



NEW YORK CITY
HOUSING DEVELOPMENT
CORPORATION

EVICTON RATE QUESTIONNAIRE

DEFINITIONS

“Borrower” means the entity that will enter into a mortgage to receive an HDC or HPD loan benefitting the Project.

“City” means the City of New York, a municipal corporation.

“City Agency” means any agency, department, office, commission, or instrumentality of the City, including quasi-public corporations, public benefit corporations, and public authorities (e.g., HDC, the New York City Housing Authority, New York City Economic Development Corporation, New York City Transit Authority, New York City Health and Hospitals Corporation, and New York City School Construction Authority).

“HDC” means the New York City Housing Development Corporation, all of its subsidiaries, and their respective successors and/or assigns.

“HPD” means the City’s Department of Housing Preservation and Development and all of its predecessor agencies.

“Joint Venture” means a one-time grouping of two or more persons or entities (or any combination thereof) engaged in the joint conduct of a particular transaction or specific undertaking. A person or entity that is a party to a Joint Venture is a Joint Venturer.

“New Entity” means an entity that has never owned real property or engaged in any transaction.

“Officer” means (i) any person with signatory authority to legally bind Participant, (ii) any president, vice president, secretary, treasurer, chief executive officer, chief operating officer, or chief financial officer, by whatever titles known, or (iii) any board chair, director, or trustee, by whatever titles known.

“Participant” means a Borrower or any individual or entity with a present or future controlling interest in the Borrower and any other individual or entity that is required by HDC or HPD to complete a Disclosure Statement or Compliance Package. The entity that will manage the Project on behalf of the Borrower (“Managing Agent”) is also a Participant.

“Principal” means:

- (i) any person or entity (other than a limited partner) owning or controlling twenty percent or more of the ownership interest or twenty percent or more of the profits or losses,
- (ii) all persons related by blood or marriage (other than limited partners), who, in the aggregate, own or control twenty percent or more of the ownership interest or twenty percent or more of the profits or losses,
- (iii) all persons acting as agents, fiduciaries or nominees, together with or on behalf of a single person or family (other than a limited partner), who, in the aggregate, own or control twenty percent or more of the ownership interest or twenty percent or more of the profits or losses, and
- (iv) any current general partner, managing member, or managing manager, or
- (v) any current Joint Venturer; or
- (vi) any person or entity HDC determines to be a principal in a project.

“Residential Unit” means a residential accommodation in a multiple dwelling that is occupied for permanent residence purposes. For purposes of illustration, Residential Units do not include residential accommodations occupied, as a rule, transiently, such as residential accommodations in hotels, rooming houses, college and school dormitories, and residential treatment facilities.

“Transaction” means the matter with respect to which Participant will interact with HPD and/or HDC, and Participant’s role in that matter, including, but not limited to, (i) purchasing City-owned property, (ii) receiving an HPD or HDC loan, (iii) being retained as a general contractor by the purchaser of City-owned property or the recipient of an HPD or HDC loan, (iv) entering into a regulatory agreement with HPD or HDC, (v) being retained as a general contractor or administering agent by a party which has entered into a regulatory agreement with HPD, (vi) entering into a site development agreement, site development and management agreement, or similar agreement with the owner of property to be developed or rehabilitated through an HPD or HDC program, (vii) being retained as a general contractor by a party which has entered into a site development agreement, site development and management agreement, or similar agreement with the owner of property to be developed or rehabilitated through an HPD or HDC program, (viii) leasing or net leasing City-owned property, (ix) being retained as a managing agent by the net lessee of City-owned property or by a Mitchell-Lama housing company, (x) acquiring an ownership interest in property which is encumbered by a City mortgage and/or owned by a Mitchell-Lama housing company or a Redevelopment Company, or (xi) licensing City-owned property.

“Threshold” means the rate in part 2.E. over which a Participant must answer an additional set of questions.

INSTRUCTIONS

Qualifying Participants in HDC or HPD Transactions must complete this Eviction Rate Questionnaire (“Questionnaire”) in its entirety.

Whenever an explanation of an answer is required, such explanation must include all material facts on an attachment which is clearly marked to indicate the appropriate question number. If a question does not apply, or cannot be answered due to lack of knowledge, Participant must so indicate.

If the Participant has (i) previously completed this Questionnaire within the past three (3) years, and (ii) previously had an average eviction rate below the Threshold, and (iii) continues to have an average eviction rate below the Threshold, please complete section 1, Participant Identification, and then proceed to the Certification page at the end of the Questionnaire. If the Participant has (i) previously completed this Questionnaire within the past three years, and (ii) previously had an average eviction rate below the Threshold but now has an average eviction rate above the Threshold, or (iii) previously had an average eviction rate above the Threshold, please complete the Questionnaire.

Please submit the completed Eviction Rate Questionnaire and all supporting documents (and address any questions concerning such Eviction Rate Questionnaire and supporting documents) as directed by HDC staff. Only electronic copies will be accepted.

2. Eviction Rate Questions

A. Please report the number of instances where a Marshal’s execution of a warrant of eviction caused permanent removal of a residential tenant (each, an “Eviction”) during each of the last three full calendar years in all multifamily rental properties in New York City that Participant, any of Participant’s Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities):

Year 1: _____

Year 2: _____

Year 3: _____

B. Please report the number of Residential Units in all multifamily rental properties in New York City that Participant, any of Participant’s Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities), during each of the last three calendar years:

Year 1: _____

Year 2: _____

Year 3: _____

C. Calculate the annual eviction rate by dividing the number of Evictions for each year in part 2.A. by the number of Residential Units in the corresponding year in part 2.B.

Year 1: _____

Year 2: _____

Year 3: _____

D. Calculate the average eviction rate by adding the annual eviction rates in part 2.C. and dividing the sum by three.

Average eviction rate: _____

E. If the number in 2.D. is above 2%, please answer the following questions:

1. Please provide the total number of holdover Evictions, the number of nonpayment Evictions, as well as the total number of Residential Units in multifamily rental properties the Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities), within the last three years.

Total Residential Units in multifamily rental properties in NYC that Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities):

Total holdover Evictions: _____

Total nonpayment Evictions: _____

Total Residential Units in multifamily rental properties outside of NYC that Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities):

Total holdover Evictions: _____

Total nonpayment Evictions: _____

2. Please provide the information requested below for the Residential Units that, during the past three full calendar years, Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities) and were subject to City, State or Federal affordability restrictions. For purposes of this question, Residential Units subject to affordability restrictions include those subject to an agreement with any Governmental Agency, including HPD and/or HDC, where the Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities) is a party, or such units are subject to the terms of a rental subsidy program (including, for example, Section 8 or City FHEPS). Residential Units subject to affordability restrictions do not include units merely subject to rent regulation such as rent control or rent stabilization laws. Agreements with a Government Agency includes regulatory agreements, restrictive declarations, and similar instruments.

Total Residential Units subject to affordability restrictions in multifamily rental properties in NYC that Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities): _____

Total holdover Evictions: _____

Holdover Evictions due to failure to recertify: _____

Total nonpayment Evictions: _____

Total nonpayment Evictions due to loss of rental subsidy: _____

Total Residential Units subject to affordability restrictions in multifamily rental properties outside of NYC that Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities): _____

Total holdover Evictions: _____

Total holdover Evictions due to failure to recertify: _____

Total nonpayment Evictions: _____

Total nonpayment Evictions due to loss of rental subsidy: _____

3. For nonpayment Evictions where a warrant of eviction was executed within the last three years in NYC for Residential Units in multifamily rental properties that Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities), what were the average rental arrears and the average period of arrears?

4. For holdover Evictions where a warrant of eviction was executed within the last three years in NYC for Residential Units in multifamily rental properties that Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities), what were the most common lease violations that led to Evictions?

5. Please explain why the annual eviction rates listed in response to parts 2.C. and 2.D. above are as high as they are and include details such as the population served within your portfolio, specific challenges at the properties within your portfolio, etc. Be sure to address any predominant Eviction types in your explanation (for example, if the majority of your Evictions are due to nonpayment because of rental subsidy loss). Please also provide an explanation for the average amount and period of arrears as well as the most common lease violations that have led to Evictions.

6. Describe existing property management practices and policies in place for Residential Units in multifamily rental properties that Participant, any of Participant's Principals or Officers, or any business organization in which Participant was a Principal or Officer owned, managed or controlled (directly or indirectly through other entities), and that are meant to prevent avoidable Evictions, including social service provisions, referrals to existing social service resources, payment plans, landlord tenant mediation, etc. If such practices and policies vary across the portfolio, specify which practices and policies apply for which types of properties. Be sure to address any practices meant to address predominant Eviction types in your explanation.

EVICTION RATE QUESTIONNAIRE CERTIFICATION

I certify that the information set forth in or attached to this Eviction Rate Questionnaire is true and correct to the best of my knowledge and belief.

I am aware that HDC and HPD are relying upon all of the information set forth in or attached to this Eviction Rate Questionnaire and that this Eviction Rate Questionnaire is submitted to induce HDC or HPD to approve this Transaction.

I am aware that this Eviction Rate Questionnaire is part of a continuing application, and I understand that, in accordance with Article 175 of the Penal Law, (i) this Eviction Rate Questionnaire is a written instrument that will be filed with, and become part of the official business records of, HDC or HPD, and (ii) the making of any false statement in this Eviction Rate Questionnaire, or in the continuing application of which it is a part, is a felony.

For electronic submission:

SIGNATURE:	_____
-or-	
PIN NUMBER (if any):	_____

NAME OF PERSON SUBMITTING: _____

ORGANIZATION (if any): _____

TITLE: _____

DATE: _____