

210 CHECKLIST FOR MULTIFAMILY OWNER

This checklist is designed to help an Owner determine if their property MAY BE eligible as a Transferring Property under Section 210 of the Consolidated Appropriations Act. Although not required, owners are encouraged to complete this checklist.

DISCLAIMER: This is not a complete list of 210 eligibility factors or transaction requirements. See the Federal Register, Vol. 80, No. 61 (March 31, 2015):

<https://www.govinfo.gov/content/pkg/FR-2015-03-31/pdf/2015-06776.pdf>

Property Information

Transferring Property Name: _____ HUD ID #: _____

Transferring Property Address: _____

If Known:

Receiving Property Name: _____ HUD ID #: _____

Receiving Property Address: _____

TRANSFERRING PROPERTY: BASIC ELIGIBILITY REQUIREMENTS

1. If the Transferring Property meets either of the following, 210 transfer authority DOES NOT APPLY:

- There is a Section 8 project-based HAP contract administered by the Office of Public and Indian Housing (i.e., a Section 8 Moderate Rehabilitation contract or a Section 8 Project-Based Voucher HAP contract) or by the Office of Community Planning and Development (i.e., a Section 8 Single-Room Occupancy Moderate Rehabilitation HAP contract).
- The transferring project has a bond financed new regulation HAP contract, refunded with a sharing of HAP savings pursuant to Section 1012 of the Stewart B. McKinney Homeless Assistance Amendments Act.

2. The Transferring Property MUST be subject to one of the following. Check all that apply:

- Mortgage insured under the National Housing Act or Secretary-held formerly insured mortgage

210 CHECKLIST FOR MULTIFAMILY OWNER, Continued

- Section 202/811 Capital Advance
- Section 202 Direct Loan
- Flexible Subsidy Loan
- Currently assisted with a project-based Section 8 Housing Assistance Payments (HAP) contract, Project Rental Assistance Contract (PRAC), or Project Assistance Contract (PAC) and such contracts are administered by the Office of Multifamily Housing Programs, whether through a Performance-Based Contract Administrator, a Traditional Contract Administrator, or by HUD
- Encumbered by statutorily required low-income and very low-income use restrictions

3. The Transferring Project MUST show physical obsolescence or economic non-viability. Check all that apply:

Physical Obsolescence

- REAC Score of 30 or below
- Two or more consecutive REAC score below 60
- Condemnation or other such notice by the local or state gov rendering the property uninhabitable
- A taking through Eminent Domain
- Condemnation or other such notice by the local or state gov rendering the property uninhabitable
- Evidence of capital repairs cannot be made without the property losing financial viability
- Other proof of physical obsolescence approved by HUD

Economic Non-Viability

- Market analysis justifying the ability of the property to meet current HUD imposed affordability restriction
- Market Analysis indicating limited to no market for unit type(s)
- Demonstrate average vacancy 25 percent or more over 24 months
- Other proof approved by HUD

NOTE: The transferring owner is required to **certify in writing** that the material submitted to demonstrate compliance with this criterion is true and accurate.

If you think your property may be eligible for a 210 transfer, contact your local field office to discuss your property. If you don't know your local field office, click [here](#).

After your discussions with the HUD office or if you have identified a potential receiving property, review the checklist below to assess whether the property meets basic eligibility requirements.

RECEIVING PROPERTY: BASIC ELIGIBILITY REQUIREMENTS

The owner is responsible for identifying an eligible Receiving Property.

Has a Receiving Property been identified? If yes, review the following basic statutory and HUD policy requirements:

- The transfer does not cross state lines (if crossing state lines, will be considered on a case-by-case basis)
- There is local demand for the affordable housing
- Receiving Property meets HUD's physical inspection standards, receiving a REAC score of 60 or better, and meets all applicable accessibility requirements; if not HUD-affiliated, will be subject to REAC inspection prior to finalizing transfer
- Neighborhood of the Receiving Property meets HUD's site and neighborhood standards, which ensure that the receiving property is in a location that affords the tenants at the transferring property the same or a better property location than the transferring site
- Property meets Fair Housing standards and environmental standards
- If the transfer involves a Capital Advance with Project Rental Assistance Contract, the receiving property MUST be a private non-profit corporation.
- Owner and management agent of the receiving property demonstrate capacity to own, operate, manage, and if applicable, renovate affordable housing; if HUD-affiliated, Owner is in good standing with HUD
- Owner receives approval through the Previous Participation Process including a 2530 review
- Owner agrees to the assignment of all business agreements and the assumption of all debt being transferred