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**STATE OF NEW YORK**

**DEPARTMENT OF LAW**

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**REAL ESTATE FINANCE BUREAU**

**M E M O R A N D U M**

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**Re: Letters of No Objection to  
Termination of Condominium  
Declaration**

**Date: January 22, 2015**

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In situations where all of the unit owners in a condominium have reached a determination to cease operating as a condominium and terminate the condominium declaration, the Real Estate Finance Bureau requires notice of any such action. Notification is necessary in order for the Bureau to maintain accurate and updated records.

Moreover, in certain jurisdictions, the locality requires a letter of no objection from the Bureau before they will process a termination of condominium declaration. For example, the New York City Department of Finance consistently requires such a document from our office, whether or not an offering plan was accepted for filing.

In the majority of these situations, a single entity has acquired all of the units and wants to own or sell the building as a single tax lot. In these instances, an attorney transmittal letter should be accompanied by an affidavit from the owner setting forth the following information:

1. How the condominium was formed, including all operative dates.
2. A brief history of the ownership of the condominium units.
3. When and how the applicant acquired ownership of the units.
4. An affirmative representation that the affiant owns one hundred percent of the common interest.
5. The underlying reason for the decision to terminate.
6. Disclosure of any relevant pending litigation, e.g., a foreclosure action or bankruptcy proceeding. In the case of a pending bankruptcy proceeding, a condominium declaration will not be terminated without the Bankruptcy Court's approval.
7. If the applicant is a charitable and/or religious organization, the affidavit should disclose whether a sign-off from the Charities Bureau is required and, if so, whether it has been obtained.

8. A statement that the affiant is requesting the issuance of a letter from the New York State Department of Law stating that our office has no objection to the termination of condominium ownership of said property.

In the case of a small condominium wherein the unit owners have determined to sell the entire building without the encumbrance of a condominium declaration, the Bureau will not issue a letter of no objection unless an affidavit as described above (with any necessary modifications), has been signed and submitted by all unit owners.

Unless a different party is specified, the Bureau will address the letter to the attorney submitting the request. The New York City Department of Finance has, on occasion, requested that the letter be sent directly to them. This request can be accommodated as long as the Bureau is supplied with the specific name and address of the recipient.

Applications for letters of no objection to the termination of a condominium declaration should be addressed to the Real Estate Finance Bureau at 120 Broadway, 23rd Floor, New York, NY 10271 along with a check for \$225.00 made payable to the Department of Law and a Notice of Appearance.<sup>1</sup>

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<sup>1</sup> This memorandum supersedes the memorandum issued in 2014 insofar as it includes a required submission of a Notice of Appearance.