STATE OF NEW YORK **DEPARTMENT OF LAW**

REAL ESTATE FINANCE BUREAU
MEMORANDUM

To: Nestar Bunbury

Date: October 27, 2009

Cc: Real Estate Finance Bureau Attorneys & Paralegals

From: Erica Buckley, AAG

Re: Reduced Filing Fees for Affordable Housing Plans

If an offering plan for the conversion of a mobile home park, building or group of buildings or development to a cooperative, condominium or homeowners association is submitted and the sponsor is receiving funding pursuant to Article eighteen, nineteen or twenty of the New York Private Housing Finance Law, then The Department of Law shall not collect any filing fees at the time of submission of the offering statement or prospectus on the portion of the offering that represents the funding received pursuant to the Private Housing Finance Law. Moreover, sponsors will not be required to pay additional filing fees for amendments to any plan where the sponsor is receiving funding pursuant to Article eighteen, nineteen or twenty of the New York Private Housing Finance Law. See New York General Business Law §352-e(7)(c).

The Department of Law will also waive any filing fees for the submission of an offering statement or request for no-action letter and any amendments thereto for the conversion of a building or group of buildings or development to a Housing Development Fund Corporation pursuant to Article eleven of the New York Private Housing Finance Law.

In order to ensure that the Department of Law does not collect any filing fees from sponsors that are receiving any funding pursuant to Article eighteen, nineteen or twenty of the New York Private Housing Finance Law, the submitting attorney must include this representation in the transmittal letter and the cover of such offering plans must include or be revised to include the entire amount of the offering minus the amount of funding being received under the relevant section of the law. If the front cover does not include this information, the reviewing attorney shall request that the cover be revised to include such information. For example, if a sponsor is receiving funding pursuant to Article eighteen, the sponsor must itemize the amount of monies on the front cover and clearly identify the funds as "HTF Subsidy Pursuant to Article 18 of the Private Housing Finance Law" and subtract the subsidy from the total offering that is subject to filing fees. Another example would be if the sponsor is receiving funding pursuant to Article nineteen, the sponsor would itemize the funds as "AHC Subsidy Pursuant to Article 19 of the Private Housing Finance Law" and subtract the subsidy from the total offering.