

EASTERN ABSTRACT CORP.

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Subject: Modification in the City of New York, City Department of Housing Preservation and Development (HPD) Affidavit in Lieu of Registration Statement

A Registration Statement, also known as a "Preliminary Residential Property Transfer Form", is required to be filed when recording a deed or a lease of a building which is a multiple dwelling in the City of New York, **unless an affidavit is submitted that the premises is not a multiple dwelling**. Effective May 3, 2009, pursuant to the requirements of Local Law 56 of 2008, a Registration Statement is required to be filed for all one and two family dwellings "when neither the owner nor any family member occupies the dwelling." It appears that a Registration Statement is now required when neither the owner nor any family member occupies a multiple dwelling.

A "family member" for this purpose is defined to include "an owner's spouse, domestic partner, parent, parent-in-law, child sibling, sibling-in-law, grandparent or grandchild."

The local Law, which amends Sections 27-2097 ("Registration; time to file"), 27-2098 ("Registration statement; contents") and 27-2099 ("Registration statement; change of ownership or title") of the City's Administrative Code, can be obtained at http://www.nycouncil.info/pdf_files/bills/law08056.pdf.

The Department of Housing Preservation and Development has issued a revised Affidavit in Lieu of Registration, a copy of which may be found here.

Effective immediately, the revised Affidavit in Lieu of Registration Statement will be required to be filed with the instrument(s) being submitted for recording if the owner or a family member will be in residence. If the owner or no other family member will be in residence, then the Preliminary Residential Property Transfer Form must be used.

Multiple Dwelling: Preliminary Residential Property Transfer Form

1 or 2 family **with owner/ family member in residence**: Affidavit in Lieu of Registration Statement

1 or 2 family **with NO owner/ family member in residence**: Preliminary Residential Property Transfer Form