Declaration of Trust

(Development Grant Projects *)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB No. 2577-0075
exp. 10/31/2017

Whereas, (1, see instructions) _____ (herein called the Public Housing Agency (PHA), a public body corporate and politic, duly created and organized pursuant to and in accordance with the provisions of the laws or ordinances of the (2) _____, and the United States of America, Secretary of Housing and Urban Development (herein called HUD) pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, et seq.) and the Department of Housing and Urban Development Act (5 U.S.C. 624) entered into a certain contract with effective date as of (mm/dd/yyyy) (3) _____, (herein called the Annual Contributions Contract) and a certain Development Project Grant Amendment to the Annual Contributions Contract with the effective date as of (mm/dd/yyyy) (4) _____ , providing for a grant to be made by HUD to assist the PHA in financing a lower income housing project; and

Whereas, as of the date of the execution of this Declaration of Trust, the Development Project Grant Amendment and the Annual Contributions Contract cover the lower income housing project located in: (5)

which will provide approximately (6) _____ dwelling units; and which lower income housing project will be known as:

Project No. (7) _____; and

Whereas, the Project and acquisition of the site or sites thereof will have been financed with grant assistance provided by HUD.

Now Therefore, to assure HUD of the performance by the PHA of the covenants contained in the Development Project Grant Amendment and Annual Contributions Contract, the PHA does hereby acknowledge and declare that it is possessed of and holds in trust for the benefit of HUD, for the purposes hereinafter stated, the following described real property situated in: (8)

To Wit: (Insert legal description for the project.)(9)

and all buildings and fixtures erected or to be erected thereon or appurtenant thereto.

The PHA hereby declares and acknowledges that during the existence of the trust hereby created, HUD has been granted and is possessed of an interest in the above described Project property, **To Wit:**

The right to require the PHA to remain seized of the title to said property and to refrain from transferring, conveying, assigning, leasing, mortgaging, pledging, or otherwise encumbering or permitting or suffering any transfer, conveyance, assignment, lease, mortgage, pledge or other encumbrance of said property or any part thereof, appurtenances thereto, or any rent, revenues, income, or receipts therefrom or in connection therewith, or any of the benefits or contributions granted to it by or pursuant to the Annual Contributions Contract, or any interest in any of the same except that the PHA may (1), to the extent and in the manner provided in the Annual Contributions Contract, (a) lease dwellings and other spaces and facilities in the Project, or (b) convey or otherwise dispose of any real or personal property which is determined to be excess to the needs of the Project, or (c) convey or dedicate land for use as streets, alleys, or other public right-of-way, and grant easements for the establishment, operation, and maintenance of public utilities; or (d) enter into and perform contracts for the sale of dwelling units to members of tenant families, as authorized by the United States Housing Act of 1937, 42 U.S.C. 1437, et seq., or (2), with the approval of HUD, release the Project from the trust hereby created; Provided, That nothing herein contained shall be construed as prohibiting the conveyance of title to or the delivery of possession of the Project to HUD pursuant to the Annual Contributions Contract.

The endorsement by a duly authorized officer of HUD (1) upon any conveyance or transfer made by the PHA of any real or personal property which is determined to be excess to the needs of the Project, or (2) upon any instrument of conveyance or dedication of property, or any interest therein, for use as streets, alleys, or other public right-of-way, or for the establishment, operation and maintenance of public utilities, or (3) upon any instrument transferring or conveying a dwelling unit, or an interest therein, to a member of a tenant family, or (4) upon any instrument of release made by the PHA of the Project shall be effective to release such property from the trust hereby created.

Upon expiration of the period during which the PHA is obligated to operate the Project in accordance with the Annual Contributions Contract, the trust hereby created shall terminate and no longer be effective.

In Witness Whereof, the PHA by its officers thereunto duly authorized has caused these presents to be signed in its name and its corporate seal to be hereunto affixed and attested this date (mm/dd/yyyy) _____ .

(Seal)

(1, see instructions)

By _____Chairperson

Attest _____Secretary

Date (mm/dd/yyyy) _____

* For use by Public Housing Agencies and Indian Housing Authorities

Instructions for Completing form HUD-52190-A, Declaration of Trust (Development Grant Projects)

Promptly after execution of an ACC , HUD Counsel shall prepare and transfer to the Public Housing Agency (PHA) or Indian Housing Authority (IHA), form HUD-52190-A, Declaration of Trust (Development Grant Projects), which shall cover the individual grant project. The letter transmitting the Declaration of Trust shall instruct the PHA or IHA to complete, execute, and record the Declaration of Trust and provide HUD Counsel with a copy as soon as it has been recorded. (Counsel for the PHA or IHA will be responsible for providing the legal description for the individual grant project if HUD Counsel does not have this information in his/her files.)

The following instructions pertain to the use of the blank spaces in form HUD-52190-A:

1. Insert the name of the Public Housing Agency or Indian Housing Authority as it appears in the Development Project Grant Amendment. The term PHA, as used in the Declaration of Trust, also includes IHAs.

2. Insert the name of the general governmental unit, indicating whether it is a State, Commonwealth, or Tribe.

3. Insert the date of the Annual Contributions Contract which has been amended by addition of the Development Project Grant Amendment.

4. Insert the effective date of the Development Project Grant Amendment.

5. Insert the names of the political subdivisions in which the housing project covered by the Grant Amendment is located, e.g., City of _____, County of _____, State of _____, or _____ Reservation.

6. Insert the approximate total number of units included in the individual grant project.

7. Insert the individual grant project number.

8. Same as Item 5.

9. Insert legal description for the project or of each individual unit comprising the project (e.g., single-family detached or semi-detached units operated in accordance with the Turnkey III, Mutual Help, or other Homeownership Program.)