
2018 Carol M. Peterson Housing Fund
Retention Language



The language below should be inserted into the Warranty Deed or as a Restrictive Covenants to the Warranty Deed. If it is attached to the Warranty Deed as an addendum or attachment, the Warranty Deed must reference the addendum or exhibit. If recorded as a Restrictive Covenants, the document must reference the Warranty Deed.

Declarant(s), for and in consideration of receiving direct subsidy funds from the FHLB Cincinnati's Carol M. Peterson Housing Fund, must maintain ownership in this property for a period of five (5) years (Retention Period) from the date of the recording of this Restrictive Covenants.

- (i) The FHLB Cincinnati, whose mailing address is P.O. Box 598; Cincinnati, OH 45201-0598, is to be given notice of any sale, refinancing, foreclosure, conveyance by deed in lieu of foreclosure, assignment of the first mortgage to the Secretary of HUD, or change in ownership of the unit occurring prior to the end of the Retention Period.
- (ii) In the case of a sale or refinancing prior to the end of the Retention Period, an amount equal to a pro rata share of the CMPHF Subsidy that financed the purchase, construction, or rehabilitation of the unit, reduced for every year the seller owned the unit after recording of this Declaration, shall be repaid to the FHLB Cincinnati from any net gain realized upon the sale or refinancing of the unit; unless:
 - (A) The purchaser is a very low- or low- or moderate-income household as defined in the applicable Federal Housing Finance Agency regulations for the CMPHF (in which case the retention period ends with the conveyance to such purchaser); or
 - (B) Following a refinancing, the unit continues to be subject to a deed restriction or other legally enforceable retention agreement or mechanism, incorporating the requirements of clauses (i), (ii), and (iii) contained herein.
- (iii) The obligation to repay Subsidy to the FHLB Cincinnati shall terminate after any foreclosure or conveyance by deed in lieu of foreclosure or any assignment of the first mortgage to the Secretary of HUD.