

Department of Housing & Community Development
Chapter 40T Guidance on Department's Selection of Designee, 760 CMR 64.04

I. Designation Agreement Contents

A. Assignability of Purchase Contracts and Third-Party Agreements.

II. Available Guidance

A. Guidance on Prequalification as Designee.

B. Model Designation Agreement.

I. Terms

As used in this Guidance and any other Guidance issued by the Department, the following terms not otherwise defined in M.G.L. c. 40T or in 760 CMR 64.00, shall apply:

Buyer, as used in M.G.L. c. 40T– means *Purchaser*, as defined in 760 CMR 64.02 (1).

I. Designation Agreement Contents.

A. Assignability of Purchase Contracts and Third-Party Agreements. Each designation agreement with a Designee shall provide that any Purchase Contract between a Designee and an Owner, and any agreement between a Designee and a third party in connection with the Purchase Contract, shall be subject to the condition that, upon the revocation of a designation and the designation of a Successor Designee, such Purchase Contract shall be deemed automatically assigned to the Successor Designee and such a third-party agreement shall be deemed automatically assigned to the Successor Designee unless the Successor Designee disclaims such agreement within 10 days of the designation of the Successor Designee. Each designation agreement with a Designee shall further provide that the Department shall be a third-party beneficiary of any such Purchase Contract.

II. Available Guidance

- A. Guidance on Prequalification as Designee. The Request for Responses for prequalification of Designees and Guidelines for Selection of Designees are available on the Department's website on the Chapter 40T webpage, <http://www.mass.gov/hed/economic/eohed/dhcd/legal/mgl-chapter-40t.html>.
- B. Model Designation Agreement. A model designation agreement is available from the Department upon request.