|  |  |  |
| --- | --- | --- |
| Project Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | Checklist Draft Date ­­­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| FHA Project Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | Initial Closing Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

*The HUD Attorney will obtain two (2) sets of all documents in hard copy, and two (2) in electronic copy (unless otherwise agreed): originals (O), certified copies (Cert), or photocopies (C), as noted.*

*Where originals are requested, only 1 needs to be an original, and the rest may be copies. If a copy is requested, an original will be accepted.*

|  | **Item** | **HUD Form** | **#** | **Status and Comment** |
| --- | --- | --- | --- | --- |
| **FHA Commitment** | | |  |  |
|  | a. FHA Firm Commitment, with Exhibit B Additional Conditions | Housing Notice 2018-03 | C | *Include all attachments.* |
| b. Amendments |  | C | *If applicable.* |
| c. Assignments |  | C | *If applicable.* |
| **Organizational, Due Diligence, and Other Supporting Documents** | | | | |
|  | Borrower’s Incumbency Certificate with Organizational Documents attached | | O | *Update checklist as appropriate for entity type.* |
| a. Filed formation documents, from Secretary of State, as amended |  | C | *E.g., Articles of Organization, Certificate of Limited Partnership, or Articles of Incorporation. Certified within 30 days of closing.* |
| b. Operating Agreement/Partnership Agreement / Bylaws, as amended |  | C | *Must include HUD-required provisions and be certified by Borrower as current and correct. Include provision that prohibits any changes that affect the obligations of the tax credit investor without written consent of Lender and HUD, if applicable.* |
| c. Authorizing Resolution |  | C | *If applicable (authority may be granted in governing agreement).* |
| d. Status certificate |  | C | *Dated within 30 days of closing.* |
| e. Qualification to Do Business in Project State |  | C | *For out-of-state entities, if applicable.* |
|  | For multi-tier entities, Borrowers are required to submit and list organizational documents for entities that appear in the Borrower’s signature block in the loan documents. | | O | *If applicable. Update checklist as appropriate, patterned after item 2 above.* |
|  | ALTA Survey Plat with HUD Survey Certification |  | O | *Dated within 120 days of closing.* |
|  | HUD Survey Instructions and Surveyor’s Report | HUD-91073M | O | *Last inspection within 120 days of closing.* |
|  | Title Insurance Policy, with HUD-required endorsements |  | O | *2006 ALTA form, where approved for use in the applicable jurisdiction. Either a new policy or a date-down endorsement updating the original policy to final endorsement date.* |
| a. Title Exception Documents |  | C | *Any exceptions filed since Initial closing must be consistent with Firm Commitment.* |
| c. ALTA Closing Protection Letter |  | C | *If applicable.* |
| d. Title Agent Letter of Authority |  | C | *If applicable.* |
|  | Opinion of Borrower’s Counsel | HUD-91725M | O | *If and as applicable. See Closing Guide § 2.10.E. Must include appropriate attachments.* |
| a. Certification of Borrower | HUD-91725M-CERT | O |  |
| b. Supporting legal opinion |  | C | *E.g., tax-exempt bonds and/or /LIHTC, property jurisdiction.* |
| c. List of pending litigation |  | C | *If applicable.* |
|  | Increase in Mortgage Insurance Premium (MIP) Pay.gov Receipt |  | O | *If applicable.* |
|  | Certificate of Occupancy |  | C |  |
|  | Lender’s Current Payment Letter and Certificate |  | O | *See Closing Guide 2.10.I.* |
|  | Operating (or Income and Expense) Statement |  | O | *If Project is exempt from cost certification; see Ex. B to Firm Commitment.* |
|  | Borrower’s Evidence and Certification of Green Energy Compliance |  | C | *If Project qualified for reduced MIP; see Ex. B to Firm Commitment.* |
|  | Final Letter of Map Amendment or Map Revision |  | C | *If Project is subject to CLOMA or CLOMR; see Ex. B to Firm Commitment.* |
|  | Radon Report |  | C | *If applicable.* |
| **HUD Loan, Closing, and Escrow Documents** | | | | |
|  | Note (Multistate) | HUD-94000M | C | *With final endorsement.* |
|  | Modification and Consolidation Agreement |  | O | *If applicable.* |
|  | Allonge or Supplemental Note | HUD-94001M, if applicable | C | *If applicable. Include state-specific requirements, if any.* |
|  | Modification to or Supplemental Security Instrument | HUD-94000M & state addendum | O | *If applicable. Include state-specific requirements, if any.* |
|  | Request for Final Endorsement of Credit Instrument | HUD-92023M | O |  |
|  | Maximum Insurable Mortgage | HUD-92580 | O |  |
|  | Cost Certification | HUD-92330 & 92330-A | O | *Unless Project is exempt from requirement pursuant to Program Obligations and as indicated in the Firm Commitment.* |
|  | Application for Insurance of Advance of Mortgage Proceeds | HUD-92403 | O |  |
|  | Contractor’s Requisition | HUD-92448 | O |  |
|  | Davis-Bacon and Labor Standards Clearance |  | C |  |
|  | Labor Standards Deposit Agreement | HUD-4732 | O | *If required.* |
|  | Escrow for Incomplete Construction | HUD-92456M | O | *If applicable* |
|  | Other escrow agreements |  | O | *If applicable, see Firm Commitment. List as appropriate. E.g., deposit agreement for Davis-Bacon non-compliance, excess mortgagee proceeds escrow, Latent Defects escrow, and escrow for unpaid construction costs, repairs, or needs assessment.* |
| **Secondary Financing Loan Documents (Including Bridge Loans), Restrictive Covenants (including bond/LIHTC), and Commercial Leases** | | | | |
|  | If there are any new documents related to secondary financing, tax credits, bonds, or commercial leases since initial closing. Must be consistent with the Firm Commitment and Program Obligations. See Initial Closing checklist for requirements. | | | |
| **HUD Administrative Documents and Additional Requirements** | | | | |
|  | Administrative Memo with attached Waivers and HUD-2 forms |  | O | *If applicable.* |
|  | Environmental Reports |  | C | *If applicable.* |
|  | Attendance List |  | O | *If closing by mail, include contact list for parties involved.* |
|  | Deal-specific conditions included in Firm Commitment |  |  | *If applicable.* |
|  | State law specific conditions included in Firm Commitment. |  |  | *If applicable.* |