|  |  |  |
| --- | --- | --- |
| **Project Name**: | **Checklist Draft Date**: | |
| **FHA Project Number**: | **Initial Closing Date**: | **Final Closing Date:** |

*Lender’s Counsel must submit two (2) sets of all documents in hard copy (except when instructed otherwise by the HUD Closing Attorney, and two (2) in electronic copy (see Closing Chapter 19.1.3.4 for specific requirements): originals (O) 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.*

*\*\* “Near closing” documents excepted from the Closing Coordinator’s initial readiness review in Closing Chapter 19.2.4.*

|  | **Item** | **HUD Form** | **C/O** | **Status and Comment** |
| --- | --- | --- | --- | --- |
| **FHA Commitment & Attendance List** | | | | |
| 1. | FHA Firm Commitment | Housing Notice 2018-03 | C | *From Initial Closing.* |
| 2. | Attendance List |  | C | *If closing by mail, include contact list for parties involved.* |
| **Organizational, Due Diligence, and Supporting Documents** | | | | |
| 3. | Borrower’s Incumbency Certificate with Organizational Documents attached, or certification of no change since Initial Closing |  | O | *Update checklist as appropriate for entity type.* |
| a. Filed formation documents, from Secretary of State, as amended (if any changes have been made since Initial Closing) |  | C | *E.g., Articles of Organization, Certificate of Limited Partnership, or Articles of Incorporation. Certified within 60 days of closing.* |
| b. Operating Agreement / Partnership Agreement / Bylaws, as amended (if any changes have been made since Initial Closing) |  | 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.* |
| 4. | ALTA/NSPS As-Built Survey Plat with HUD Survey Certification |  | O | *Dated within 120 days of closing.* |
| 5. | HUD Survey Instructions and Surveyor’s Report | HUD-91073M | O | *Last inspection within 120 days of closing.* |
| 6. | Title Insurance Policy, with HUD-required endorsements |  | O | *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.* |
| b. ALTA Closing Protection Letter |  | C | *If applicable.* |
| c. Title Agent Letter of Authority |  | C | *If applicable.* |
| 7. | Opinion of Borrower’s Counsel | HUD-91725M | O | *If and as applicable, e.g., mortgage increases. See Closing Chapter 19.5.9.5* |
| a. Certification of Borrower | HUD-91725M-CERT | O |  |
| b. Supporting legal opinion |  | O | *E.g., property or organizational jurisdiction; tax-exempt bonds and/or/LIHTC,* |
| c. List of pending litigation. |  | C | *If applicable.* |
| 8. | Increase in Mortgage Insurance Premium (MIP) Pay.gov Receipt\*\* |  | O | *If applicable.* |
| **HUD Loan, Closing, and Escrow Documents** | | | | |
| 9. | Note (Multistate) | HUD-94000M | C | *With final endorsement.* |
| 10. | Allonge or Supplemental Note | HUD-94001M, if applicable | C | *If applicable. Include state-specific requirements, if any.* |
| 11. | Modification to or Supplemental Security Instrument | HUD-94000M & state addendum | O | *If applicable. Include state-specific requirements, if any.* |
| 12. | Modification and Consolidation Agreement |  | O | *If applicable.* |
| 13. | Request for Final Endorsement of Credit Instrument | HUD-92023M | O |  |
| 14. | Maximum Insurable Mortgage | HUD-92580 | O |  |
| 15. | Application for Insurance of Advance of Mortgage Proceeds\*\* | HUD-92403 | O |  |
| 16. | Request for Approval of Advance of Escrow Funds\*\* | HUD-92464 | O | *If applicable* |
| 17. | Contractor’s Requisition\*\* | HUD-92448 | O |  |
| 18. | Davis-Bacon and Labor Standards Clearance |  | C |  |
| 19. | Labor Standards Deposit Agreement | HUD-4732 | O | *If required.* |
| 20. | Escrow for Incomplete Construction | HUD-92456M | O | *If applicable* |
| 21. | 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.* |
| **Certifications** | | | | |
| 22. | Certificate of Occupancy |  | C |  |
| 23. | Lender’s Current Payment Letter and Certificate |  | O | *See Closing Chapter 19.5.9.9.* |
| 24. | Certified Closing Statement\*\* |  | C |  |
| 25. | Cost Certification\*\* | HUD-92330 & 92330-A | O | *Unless Project is exempt from requirement pursuant to Program Obligations and as indicated in the Firm Commitment.* |
| 26. | Borrower’s Evidence and Certification of Green Energy Compliance |  | C | *If Project qualified for reduced MIP; see Ex. B to Firm Commitment.* |
| 27. | Lender’s Certification Electronic Submission of (MF) Closing Documents | HUD-5985 | O | *Required while HUD Memorandum dated March 16, 2020 related to the Covid-19 Pandemic remains in effect.* |
| **HUD Administrative Documents and Additional Requirements** | | | | |
| 28. | Administrative Memo with attached Waivers and HUD-2 forms |  | O | *If applicable.* |
| 29. | Operating (or Income and Expense) Statement |  | O | *If Project is exempt from cost certification; see Ex. B to Firm Commitment.* |
| **Environmental Conditions and Mitigation Requirements** | | | | |
| 30. | Final Letter of Map Amendment or Revision to FEMA Flood MAP |  | C | *If Project is subject to CLOMA or CLOMR; see Ex. B to Firm Commitment.* |
| 31. | Radon Report |  | C | *Unless Project is rehabilitation and radon report completed prior to Firm Commitment.* |
| 32. | Environmental reports or documentation related to special conditions that must be confirmed prior to final endorsement. For example, a No Further Action letter (or equivalent) related to contamination. |  | C | *If applicable. See Ex. B to Firm Commitment.* |
| 33. | All Environmental reports or documentation required by final endorsement (rows 31-33) uploaded to HEROS Mitigation Follow-up Screen. |  | C |  |
| **Secondary Financing Loan Documents (Including Bridge Loans), Restrictive Covenants (including bonds/LIHTC), and Commercial Leases[[1]](#footnote-2)** | | | | |
| 34. | 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. Note that in cases where a LURA cannot be recorded by final closing, Borrower must certify to HUD that the approved draft will be recorded as soon as practicable. In such cases, Lender’s Counsel must include the certification and the approved  draft LURA in the Closing Docket. See Closing Chapter 19.4.11.2. | | | |

1. Additional tabs may be added when there are multiple secondary financing sources, restrictive covenants, etc. [↑](#footnote-ref-2)