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| **Firm Application Checklist**  Section 241(a) |  | **U.S. Department of Housing and Urban Development**  Office of Residential Care Facilities |

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

|  |
| --- |
| Project Name: |
| Project Number: |

**SUBMISSION REQUIREMENTS:**

* Upload one electronic copy of all the documents identified in the table below to the Section 232 Portal for receipt of the Firm Application submission.
* Lenders are not required to submit N/A exhibits, but if choosing to do so, please identify that it is “N/A” in the document name. For example, “2-3.B\_NA-Phase II Environmental Report.”
* For “Other” documents that are not standard Checklist exhibits, please add a descriptor to the file name so that files are more easily identified. For example, “2.3E\_Other Specify-Tank Closure.”

| **No.** | **Item** | | **N/A** | | **Incl.** | |
| --- | --- | --- | --- | --- | --- | --- |
| **Section 1: Underwriting** | | | | | | |
|  | 1. Payment receipt – FHA Application Fee (0.3% of Mortgage Loan Amount)   Payment receipt generated by Pay.gov   1. Section 241(a) Firm Application Checklist 2. HUD-90022-ORCF, Certification for Submission of Electronic Firm Application | |  | |  | |
|  | HUD-9003-ORCF, Lender Narrative  Submit electronic versions in both Word and PDF document format.Do not alter the narrative format; if a particular section does not apply, it should be noted as Not Applicable. | |  | |  | |
|  | HUD-92264A-ORCF, Maximum Insurable Mortgage Calculation | |  | |  | |
|  | Section 241(a) Firm Commitment  Submit electronic draft version in a Word document.Please include the exhibit number and title at the top of the page of the following exhibits to the Firm Commitment.   1. Exhibit A, Legal Description 2. Exhibit B, Replacement Reserve Schedule 3. C.2. Exhibit C.2, List of Major Movables 4. Exhibit D, Index to Drawing and Specifications 5. Master Lease List of Properties (optional supplement) 6. Accounts Receivable Financing Terms Memo (optional supplement) | |  | |  | |
|  | HUD-90012-ORCF, Consolidated Certification - Lender | |  | |  | |
|  | HUD-90024-ORCF, Contact List  Submit electronic version in a Word document | |  | |  | |
|  | Copies of any email guidance provided by ORCF for the subject project prior to application submittal | |  | |  | |
|  | HUD-2-ORCF, Request for Waiver of Housing Directive  Submit electronic version in a Word document | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | HUD-91128-ORCF, Initial Operating Deficit Escrow Calculation Template  In excel format | |  | |  | |
| **Section 2: Third Party Reports** | | | | | | |
| Appraisal and Market Study reports must be submitted within 120 calendar days of the date of the inspection.  The Phase I Environmental report must be submitted within 180 calendar days of the date of the date of inspection. | | | | | | |
|  | Appraisal (As Is and As Proposed Values) | |  | |  | |
|  | * 1. Project Capital Needs Assessment (PCNA)   2. Architectural Analyst Report   3. Seismic Analysis (if applicable)   4. Engineer & Specialty Reports (if applicable)   5. Construction Cost Analyst Report   6. Intentionally Omitted   7. Intentionally Omitted   8. Intentionally Omitted   9. Intentionally Omitted | |  | |  | |
|  | Environmental   1. Phase I Environmental Report 2. Phase II Environmental Report (if applicable) 3. Operations and Maintenance Plan - Asbestos (if applicable) 4. Standard Flood Hazard Determination Form, FEMA No. 086-0-32 5. Intentionally Omitted 6. Radon Report 7. Other: *<describe here>* | |  | |  | |
|  | Floodplain  The following information is required if the site is located in a 100-year or 500-year floodplain.  Exception: The 8-step process is not required for HUD’s approval of a project site when only an incidental portion of the site is situated in an adjacent floodplain when: (i) The construction (including existing improvements) and landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seeding, etc.) do not occupy or modify the 100-year floodplain or the 500-year floodplain; (ii) appropriate provision is made for site drainage; and (iii) a covenant or comparable restriction is placed on the property’s continued use to preserve the floodplain.   1. Evidence of participation in an early warning system 2. Emergency evacuation and relocation plan 3. Identification of evacuation route(s) out of the 500-year floodplain 4. Identification marks of past or estimated flood levels on all structures 5. Evidence that current or prospective tenants have been or will be informed of the flood hazard. 6. Conditional Letter of Map Revision (CLOMR) from FEMA that will remove the property from the FEMA-designated 100 year floodplain when the conditions are met. 7. A narrative discussing the following matters:  * Reasons why the proposal must be located in a floodplain. * Alternative sites: Identify all practicable alternative sites outside the floodplain that were considered within the local housing market area, the local public utility service area, or whichever geographic area is more appropriate. The actual sites must be identified and the reasons for the non-selection of those sites as practicable alternatives must be described. * All mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values. | |  | |  | |
|  | State Historic Preservation Office letter/requirements  Provide all information that was sent to the SHPO and any response received. | |  | |  | |
|  | Tribal Notification Information  ORCF must complete the Tribal Notification process, please review the [**Lender's Environmental Checklist**](https://www.hud.gov/sites/documents/223f_EnvChecklist.xlsx) for activities that may require Tribal consultation, including ground disturbance (digging), installation of an underground tank, installation of utility lines, construction, etc.. To assist ORCF with this process, please provide the following.   1. Project description including: Type of project, Purpose of the Project, the proposed activities/site work, and the Current Condition of the Site (what is on the site now) 2. Maps including: Location Map, Aerial View, Site Layout Map and Topographic Map | |  | |  | |
|  | Aboveground Storage Tank (AST) Information:  Existing or proposed AST(s) of explosive or flammable hazards located on-site or directly visible from the site provide:  For projects that are not increasing residential density:  A conformance letter must be requested from the local fire department that specifically addresses the safety of the AST.   1. Letter that was sent to the Fire Department (required) 2. Conformance letter received from the Fire Department. 3. Completed acceptable separation distance (ASD) calculations (required when the Fire Department did not provide a conformance letter) 4. Proposed mitigation (please review the [**Lender's Environmental Checklist**](https://www.hud.gov/sites/documents/223f_EnvChecklist.xlsx) for mitigation guidance)   For projects that are increasing residential density:   1. Completed acceptable separation distance (ASD) calculations. 2. Proposed mitigation plan (please review the Lender's Environmental Checklist for mitigation guidance) 3. Intentionally Omitted | |  | |  | |
| **Section 3: Borrower** | | | | | | |
|  | Organizational Chart | |  | |  | |
|  | Organizational Documents   |  |  |  | | --- | --- | --- | | Corporation | Partnership |  | | A. Articles of Incorporation | A. Partnership Agreement |  | | B. Bylaws | B. Certificate of Partnership |  | | C. Authorizing Resolutions | C. Authorizing Resolutions |  | | LLC | Trust |  | | A. Articles of Organization | A. Trust Agreement |  | | B. Operating Agreement | B. Certification or Affidavit of Trust |  | | C. Authorizing Resolutions | C. N/A |  | | |  | |  | |
|  | HUD-90013-ORCF, Consolidated Certification – Borrower  Previous Participation Certification: Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
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|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
| **Section 4: Principal of Borrower** ***<Name of Principal>*** | | | | | | |
| Duplicate this section and include the name of the principal for each Principal of the Borrower. Include individuals and entities providing financial capacity and operating experience. *The supplemental exhibits are applicable when there has been a change, or a change is proposed, in the principal ownership of the borrower entity. These exhibits must be provided for each new or existing principal that has not been previously approved by HUD for participation in this property.* | | | | | | |
|  | Organizational Chart (Supplemental Exhibit) | |  | |  | |
|  | Organizational Documents (Supplemental Exhibit)   |  |  |  | | --- | --- | --- | | Corporation | Partnership |  | | A. Articles of Incorporation | A. Partnership Agreement |  | | B. Bylaws | B. Certificate of Partnership |  | | C. Authorizing Resolutions | C. Authorizing Resolutions |  | | LLC | Trust |  | | A. Articles of Organization | A. Trust Agreement |  | | B. Operating Agreement | B. Certification or Affidavit of Trust |  | | C. Authorizing Resolutions | C. N/A |  | | |  | |  | |
|  | Resume/Evidence that individual or entity is qualified (Supplemental Exhibit) | |  | |  | |
|  | HUD-90014-ORCF, Consolidated Certifications – Principal of the Borrower (Supplemental Exhibit)  Part VIII Parties to the Transaction, and Attachment 1 are NOT required to be completed.  Previous Participation Certification (Supplemental Exhibit):  See Housing Notice 2016-15 for additional guidance on the Previous Participation Certification   1. Complete HUD-90014-ORCF, Part VII Previous Participation, include Attachment 1 and Register Controlling Participants in the Business Partner Registration System (BPRS)   **OR**   1. APPS Submittal: Previous Participation Certification via APPS. Include a copy of the signatures pages in the application. | |  | |  | |
|  | Credit Report (Supplemental Exhibit)   1. Principal of Borrower   If a principal is a business entity (i.e., corporation, partnership) with an operating history, a credit report is required only on the business firm, not the owners of the firm.   1. Sampling of Principal’s Other Business Concerns (From list attached to Consolidated Certification) | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
| **Section 5: Operator** | | | | | | |
| *The supplemental exhibits are applicable when a change in Operator has occurred or is proposed and the Operator has not been previously approved by HUD for the subject property.* | | | | | | |
|  | Organizational Chart (Required for all projects with an Operator) | |  | |  | |
|  | Operator’s Organizational Documents   |  |  |  | | --- | --- | --- | | Corporation | Partnership |  | | A. Articles of Incorporation | A. Partnership Agreement |  | | B. Bylaws | B. Certificate of Partnership |  | | C. Authorizing Resolutions | C. Authorizing Resolutions |  | | LLC | Trust |  | | A. Articles of Organization | A. Trust Agreement |  | | B. Operating Agreement | B. Certification or Affidavit of Trust |  | | C. Authorizing Resolutions | C. N/A |  | | |  | |  | |
|  | Resume/Evidence that individual or entity is qualified (Supplemental Exhibit) | |  | |  | |
|  | HUD-90015-ORCF, Consolidated Certifications – Operator (Supplemental Exhibit)  Previous Participation Certification (Supplemental Exhibit):  See Housing Notice 2016-15 for additional guidance on the Previous Participation Certification   1. Complete HUD-90015-ORCF, Part IX Previous Participation, include Attachment 1, and Register Controlling Participants in the Business Partner Registration System (BPRS)   **OR**   1. APPS Submittal: Previous Participation Certification via APPS. Include a copy of the signatures pages in the application. | |  | |  | |
|  | Credit Report (Supplemental Exhibit) | |  | |  | |
|  | Financial Statements – Year-to-Date (Supplemental Exhibit)  The latest unaudited statement should be no more than 3 months old. Statements audited by a CPA/IPA should be no more than 6 months old.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Schedule of Pledged Assets 5. Schedule of Marketable Securities 6. Aging of Accounts Payable 7. Schedule of Notes and Mortgages Payable 8. Schedule of Legal Proceedings 9. Income and Expense Statement 10. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
|  | Financial Statements – FY 20XX (Supplemental Exhibit)  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements—audited and owner-prepared—will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Schedule of Pledged Assets 5. Schedule of Marketable Securities 6. Aging of Accounts Payable 7. Schedule of Notes and Mortgages Payable 8. Schedule of Legal Proceedings 9. Income and Expense Statement 10. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
|  | Financial Statements – FY 20XX (Supplemental Exhibit)  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements—audited and owner-prepared—will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Schedule of Pledged Assets 5. Schedule of Marketable Securities 6. Aging of Accounts Payable 7. Schedule of Notes and Mortgages Payable 8. Schedule of Legal Proceedings 9. Income and Expense Statement 10. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
|  | Financial Statements – FY 20XX (Supplemental Exhibit)  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements—audited and owner-prepared—will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Schedule of Pledged Assets 5. Schedule of Marketable Securities 6. Aging of Accounts Payable Schedule of Notes and Mortgages Payable 7. Schedule of Legal Proceedings 8. Income and Expense Statement 9. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
|  | 1. Operating Lease with HUD-91116-ORCF, Addendum to Operating Lease 2. Memorandum of Lease 3. HUD-91110-ORCF, Subordination, Non-Disturbance and Attornment Agreement of Operating Lease (SNDA) Required only for non-related borrowers and operators. 4. HUD-91117-ORCF, Operator Estoppel Certificate | |  | |  | |
| **Section 6: Parent of Operator** | | | | | | |
| *The supplemental exhibits are applicable when a change in operator has occurred or is proposed and the operator has not been previously approved by HUD for the subject property* | | | | | | |
|  | Organizational Chart (Supplemental Exhibit) | |  | |  | |
|  | Organizational Documents (Supplemental Exhibit)   |  |  |  | | --- | --- | --- | | Corporation | Partnership |  | | A. Articles of Incorporation | A. Partnership Agreement |  | | B. Bylaws | B. Certificate of Partnership |  | | C. Authorizing Resolutions | C. Authorizing Resolutions |  | | LLC | Trust |  | | A. Articles of Organization | A. Trust Agreement |  | | B. Operating Agreement | B. Certification or Affidavit of Trust |  | | C. Authorizing Resolutions | C. N/A |  | | |  | |  | |
|  | Résumé/Evidence that individual or entity is qualified (Supplemental Exhibit) | |  | |  | |
|  | HUD-90016-ORCF, Consolidated Certification – Parent of Operator (Supplemental Exhibit) | |  | |  | |
|  | Credit Report (Supplemental Exhibit)   1. Parent of Operator 2. Sampling of Parent of Operator’s Other Business Concerns (From list attached to Consolidated Certification) | |  | |  | |
|  | Financial Statements – Year-to-Date (Supplemental Exhibit)  The latest unaudited statement should be no more than 3 months old. Statements audited by a CPA/IPA should be no more than 6 months old.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Schedule of Pledged Assets 5. Schedule of Marketable Securities 6. Aging of Accounts Payable 7. Aging of Notes and Mortgages Payable 8. Schedule of Legal Proceedings 9. Income and Expense Statement 10. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
|  | Financial Statements – FY 20XX (Supplemental Exhibit)  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements, audited and owner-prepared, will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Income and Expense Statement 5. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
|  | Financial Statements – FY 20XX (Supplemental Exhibit)  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements, audited and owner-prepared, will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Income and Expense Statement 5. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
|  | Financial Statements – FY 20XX (Supplemental Exhibit)  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements, audited and owner-prepared, will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Income and Expense Statement 5. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
| **Section 7: Management Agent** | | | | | | |
| *The supplemental exhibits are applicable when a change in Management Agent has occurred or is proposed and the Management Agent has not been previously approved by HUD for the subject property.* | | | | | | |
|  | Organizational Chart (Required on all projects with a Management Agent) | |  | |  | |
|  | Organizational Documents (Supplemental Exhibit)   |  |  |  | | --- | --- | --- | | Corporation | Partnership |  | | A. Articles of Incorporation | A. Partnership Agreement |  | | B. Bylaws | B. Certificate of Partnership |  | | C. Authorizing Resolutions | C. Authorizing Resolutions |  | | LLC | Trust |  | | A. Articles of Organization | A. Trust Agreement |  | | B. Operating Agreement | B. Certification or Affidavit of Trust |  | | C. Authorizing Resolutions | C. N/A |  | | |  | |  | |
|  | HUD-9839-ORCF, Management Certification-Residential Care Facility | |  | |  | |
|  | Management Agreement and Management Agreement Addendum, Form HUD-92071-ORCF | |  | |  | |
|  | Résumé/Evidence that individual or entity is qualified (Supplemental Exhibit) | |  | |  | |
|  | HUD-90017-ORCF, Consolidated Certification-Management Agent (Supplemental Exhibit)  Previous Participation Certification (Supplemental Exhibit):  See Housing Notice 2016-15 for additional guidance on the Previous Participation Certification   1. Complete HUD-90017-ORCF, Part VIII Previous Participation, include Attachment 1 and Register Controlling Participants in the Business Partner Registration System (BPRS)   **OR**   1. APPS Submittal: Previous Participation Certification via APPS. Include a copy of the signatures pages in the application. | |  | |  | |
|  | Sampling of Management Agent’s Other Business Concerns from list attached to Consolidated Certification (Supplemental Exhibit) | |  | |  | |
| **Section 8: Real Estate** | | | | | | |
|  | 1. Refinance    1. HUD-9445-ORCF, Certification of Outstanding Obligations    2. Intentionally Omitted    3. Replacement Reserve Balance confirmation    4. Intentionally Omitted    5. Intentionally Omitted 2. Purchase (in connection with adding additional land/buildings):    1. Purchase contract and amendments, **OR**    2. Option Agreement 3. Intentionally Omitted 4. Intentionally Omitted | |  | |  | |
|  | Licenses   1. Current Facility License 2. Form HUD-92576A-ORCF, Certificate of Need 3. Operator or Management Agent 4. Application for Facility License if number of beds will increase   If the regulatory entity that issues the license(s) does not allow application for license(s) at the time of Firm Application submission, HUD will accept a letter from the entity applying for the license(s), which covers the following:  an explanation of the application process (with documented verification from licensing entity), identification of the entity that is anticipated to hold the license(s), and the number of beds that will be covered by the license(s). | |  | |  | |
|  | Title   1. Preliminary Title Report 2. Pro Forma – 2006 ALTA Title Insurance Policy 3. ALTA Form Environmental Endorsement 4. ALTA Form Comprehensive Endorsement 5. ALTA Form Endorsement deleting Arbitration Clause 6. ALTA Location of Improvements Endorsement 7. Access and Entry (ALTA 17-06) 8. Arbitration Clause deleted 9. Zoning (ALTA 3.0-06 or equivalent) 10. Encroachments 11. Tax Parcel (ALTA 18-06 or equivalent) 12. Other: *<describe>* 13. Exception Documents 14. Title Policy from original insured transaction(s), if available   Exception documents, title exceptions and survey noted exceptions should match. Exception documents must include copies of the actual documents. These documents must be legible. | |  | |  | |
|  | ALTA/ACSM Land Title Survey  See HUD-91111-ORCF, Survey Instructions and Borrower’s Certification for applicability. Electronic version of the survey must be legible when expanded. | |  | |  | |
|  | Evidence of compliance   1. Zoning 2. HUD-91130-ORCF, Building Codes 3. Verification of Zoning and Code Variances 4. CMS Fire Safety Requirements for Long-Term Care Facilities, Automatic Sprinkler Systems (if applicable) Evidence should address requirements for rebuilding if partially destroyed. 5. Intentionally Omitted 6. Intentionally Omitted | |  | |  | |
|  | Municipal Inspection Reports   1. Fire Marshal 2. State Health Department 3. Verification that health standards are met for private sewer or water systems 4. Intentionally Omitted 5. Intentionally Omitted 6. Intentionally Omitted 7. Intentionally Omitted 8. Intentionally Omitted 9. Intentionally Omitted 10. Intentionally Omitted | |  | |  | |
|  | Relocation Plan During Construction | |  | |  | |
|  | Commercial Lease(s) | |  | |  | |
|  | Land/Ground Lease including HUD requirements/provisions outlined in HUD-92070-ORCF, Lease Addendum | |  | |  | |
|  | Real Estate Tax Abatement/Exemption (if applicable) | |  | |  | |
|  | Easements and Maintenance Agreements   * 1. Existing   2. Proposed   These documents must be legible. | |  | |  | |
|  | Intentionally Omitted | |  | |  | |
| **Section 9: Operations** | | | | | | |
|  | Budgets: each including census mix and occupancy assumptions   1. Stabilized Operating budget (12-months) 2. Initial Lease-Up budget (monthly, initial occupancy to stabilized occupancy) | |  | |  | |
|  | Form HUD 91125-ORCF, Staffing Schedule | |  | |  | |
|  | Financial Statements for Operation– Year-to-Date  The latest unaudited statement should be no more than 3 months old. These statements should include the trailing 12 months. Statements audited by a CPA/IPA should be no more than 6 months old.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Schedule of Pledged Assets 5. Schedule of Marketable Securities 6. Aging of Accounts Payable 7. Schedule of Notes and Mortgages Payable 8. Schedule of Legal Proceedings 9. Income and Expense Statement 10. HUD-91126-ORCF, Financial Statement Certification | |  | |  | |
|  | Financial Statements for Operation – FY 20XX  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements—audited and owner-prepared—will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Income and Expense Statement 3. HUD- 91126-ORCF, Financial Statement Certification | |  | |  | |
|  | Financial Statements for Operation – FY 20XX  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements—audited and owner-prepared—will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Income and Expense Statement 3. HUD- 91126-ORCF, Financial Statement Certification | |  | |  |
|  | Financial Statements for Operation – FY 20XX  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements—audited and owner-prepared—will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Income and Expense Statement 3. HUD- 91126-ORCF, Financial Statement Certification |  | |  | |
|  | Census history, by month and payment source   1. Year-to-date 2. FY 20XX 3. FY 20XX   D. FY 20XX |  | |  | |
|  | Reimbursement   1. Resource Utilization Group (RUG) census data for last 12-months, including HUD Certification and Warning.   Certification and Warning must be signed and dated by the borrower/operator. (Applicable to SNF only)   1. Evidence of Medicaid Rate 2. Intentionally Omitted 3. Intentionally Omitted |  | |  | |
|  | Rent rolls, last 3 months, including HUD certification and warning  Certification and Warning must be signed and dated by the borrower/operator. (Applicable to ALF/B&C only). Rent roll data should include room number, room type (studio, one bedroom, etc.), occupancy status (occupied/unoccupied), and rental rate. |  | |  | |
|  | State licensing inspection reports for last 3-years/last 3 inspections (including complaint surveys) |  | |  | |
|  | Facility Administrator   1. Resume 2. License |  | |  | |
|  | Intentionally Omitted |  | |  | |
|  | Intentionally Omitted |  | |  | |
|  | Risk Management Program *(Current or Proposed)*  The lender must explain the risk management program that will be in place at closing (or prior to occupancy for projects that are not currently occupied).  This program may be internal or may be administrated by a third party.  In situations of elevated risk ORCF may require a Third-Party Risk Management Program. |  | |  | |
|  | HUD-935.2D, Affirmative Fair Housing Marketing Plan-232 Not applicable if not adding units |  | |  | |
|  | Intentionally Omitted |  | |  | |
| **Section 10: Professional Liability Insurance (PLI)** | | | | | |
|  | Information on the PLI provider:  A. Name of insurance carrier  B. Evidence of insurance company(s) rating (Printout from AM Best Rating or Demotech) |  | |  | |
|  | Limits of coverage, including deductible, and list of facilities (including bed counts) included under this coverage. |  | |  | |
|  | State licensing surveys for the last three years of all individual facilities of the operator (if the operator has less than five facilities)  **OR**  If the operator has 5 or more facilities, complete copies of state licensing surveys for all facilities with serious unresolved deficiencies (deficiencies where there are actual harm to residents, commonly referred to as “G” or higher level deficiencies) if the deficiency has not been removed within a one month period.  If any facility has recent (within the last 2 years) resolved “G” or higher citations/deficiencies, submit the inspection report. Please provide a narrative discussion regarding the topic, the risk and how it will be mitigated. |  | |  | |
|  | Loss History. The operator or its parent operator must submit a six-year loss history of professional liability claims filed against it for all facilities controlled by the operator or parent operator. The six-year loss history should be provided in annual summary form (prepared by the insurance company or third-party administrator).  See 4232,1, Section II, Production, Appendix 14.1 VII for guidance on loss history format. |  | |  | |
|  | Evidence of current PLI cost |  | |  | |
|  | A. Recent Actuarial study  B. Financial Statements for any captive insurance company  Actuarial study required if the entity utilizes self-insurance. If the entity utilizes commercial (third-party) PLI, submit an actuarial study only if one has been previously completed. Note: This information is considered proprietary and is exempt from Freedom of Information Act requests. Please see 4232.1, Section II, Production, Appendix 14.1 III B and IV B for PLI self-insurance guidance. |  | |  | |
|  | Intentionally Omitted |  | |  | |
|  | Intentionally Omitted |  | |  | |
| **Section 11: Additional Funding Sources** | | | | | |
|  | Grant and/or Secondary Financing Loan Documents |  | |  | |
|  | Bond Financing - Itemized costs of issuance, discounts and financing fees to be paid out of pocket by borrower and explanation regarding the necessity of each cost |  | |  | |
|  | Tax Credits   1. Letter of commitment from tax credit syndicator or investor (specifying equity amount and pay-in schedule) 2. Reservation, executed copy 3. Bridge Loan agreements 4. Source and Use Statement |  | |  | |
| **Section 12: Accounts Receivable (AR) Financing Documents** | | | | | |
| *These supplemental exhibits are applicable when the project’s accounts receivable are financed.* | | | | | |
|  | AR Loan Note and all amendments |  | |  | |
|  | HUD-92323-ORCF, Operator Security Agreement |  | |  | |
|  | All UCC-1 Filings and UCC Searches |  | |  | |
|  | Guarantees |  | |  | |
|  | List of all FHA-insured facilities on the AR financing line, including property name, borrower name, location (city/state), and FHA number. |  | |  | |
|  | AR Cash Flow of Funds Diagram  For final approval, cash flow charts must clearly detail all appropriate account numbers and directional arrows indicating the proper flow of funds |  | |  | |
|  | HUD-92322-ORCF, Intercreditor Agreement, Redlined Version |  | |  | |
|  | AR Lender Deposit Account Instructions and Service Agreements (DAISA), Deposit Account Control Agreements (DACA) or Blocked Account Agreements, or equivalent control agreement(s) |  | |  | |
|  | HUD-90020-ORCF, Accounts Receivable Financing Certification |  | |  | |
|  | Security Agreement with AR Lender and Amendments |  | |  | |
| **Section 13: Master Lease Documents** | | | | | |
| A Master Lease is required for all mid-sized and large-sized portfolios, and for small portfolios with three or more properties and/or $15 million or more in aggregate mortgage amount. | | | | | |
|  | Organization Chart (required for all projects with a Master Tenant) |  | |  | |
|  | Previous Participation Certification – Master Tenant  See Housing Notice 2016-15 for additional guidance on the Previous Participation Certification   1. Previous Participation Certification-Controlling Participant, Form HUD-90021-ORCF, is completed   **OR**   1. APPS Submittal: Previous Participation Certification via APPS. Include a copy of the signatures pages in the application. |  | |  | |
| **Section 14: Contractor** | | | | | |
|  | Organizational Chart-General Contractor |  | |  | |
|  | Résumé or AIA A305, Contractor’s Qualification Statement |  | |  | |
|  | HUD-90018-ORCF, Consolidated Certification- Contractors  Previous Participation Certification:  See Housing Notice 2016-15 for additional guidance on the Previous Participation Certification   1. Complete HUD-90018-ORCF, Part IX Previous Participation, include Attachment 1, and Register Controlling Participants in the Business Partner Registration System (BPRS)   **OR**   1. APPS Submittal: Previous Participation Certification via APPS. Include a copy of the signatures pages in the application |  | |  | |
|  | Credit Report   1. Contractor 2. Sampling of Contractor’s Other Business Concerns |  | |  | |
|  | Financial Statements – Year-to-Date  The latest unaudited statement should be no more than 3 months old. These statements should include the trailing 12 months. Statements audited by a CPA/IPA should be no more than 6 months old.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Schedule of Pledged Assets 5. Schedule of Marketable Securities 6. Schedule of Accounts Payable 7. Schedule of Notes and Mortgages Payable 8. Schedule of Legal Proceedings 9. Schedule of Work in Progress 10. Income and Expense Statement 11. HUD-91127-ORCF, Financial Statement Certification-General Contractor |  | |  | |
|  | Financial Statements – FY 20XX  Fill in the Year. Business entities must submit this exhibit for the lesser of the last 3 years or the length of existence. Audited financial statements are preferred but owner-prepared statements will be accepted. All financial statements—audited and owner-prepared—will need to be certified by the entity with signature authority for that financial statement.   1. Balance Sheet 2. Aging of Accounts Receivable 3. Aging of Notes Receivable 4. Schedule of Pledged Assets 5. Schedule of Marketable Securities 6. Schedule of Accounts Payable 7. Schedule of Notes and Mortgages Payable 8. Schedule of Legal Proceedings 9. Income and Expense Statement 10. HUD-91127-ORCF, Financial Statement Certification-General Contractor |  | |  | |
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| **Section 15: Construction and Architectural Documents** | | | | | |
|  | Plans to include separate plans for Offsite Construction |  | |  | |
|  | 1. Full Specifications 2. Division 00 73 00 of the Specifications (which includes the wage decision and HUD-92554-ORCF, Supplementary Conditions of the Contract for Construction all in one document)   Plans and Specifications provided with the Firm Application must be complete and reflect the facility is ready to be built. Hard copies of the plans and specifications are not required; however, a PDF, electronic version must be provided. Note that the Lender’s Architectural Reviewer is still required to review the complete specifications. |  | |  | |
|  | State Licensing Approval of Plans  Provide documentation from the State licensing authority demonstrating that any required plan reviews have been completed. If the State is unwilling to prepare a letter, provide copies of review comments or a certification from the mortgagor’s design architect that the appropriate reviews have been requested from the State. |  | |  | |
|  | Soils Report and Foundation Analysis (required if footprint is being altered) |  | |  | |
|  | HUD-92328-ORCF, Contractor’s and/or Mortgagor’s Cost Breakdown |  | |  | |
|  | Major Moveable Equipment Schedule and Budget   1. Listing of New Equipment with cost 2. Schedule and Values for Existing Equipment |  | |  | |
|  | Construction Progress Schedule per AIA A201  Form AIA A201 is the General Conditions and includes guidance within the document for a construction progress schedule. That guidance should be used to create the schedule. |  | |  | |
|  | Assurance of Completion   * 1. Commitment Letter from Surety or   2. Commitment Letter from Bank for Letter of Credit |  | |  | |
|  | Owner-Architect Agreement on AIA Form B108 and HUD-92408-ORCF, HUD Amendment to B108   1. Design and Supervisory Architect 2. Design Architect only 3. Supervisory Architect only 4. Other (s) |  | |  | |
|  | Information regarding offsite storage of approved building materials, if applicable  Refer to HUD Inspector and A&E Scopes of Work for guidance on building materials that can be stored offsite and for items required for approval of offsite storage of building materials. |  | |  | |
|  | HUD-91124-ORCF, Design Architect Certification |  | |  | |
|  | HUD-91123-ORCF, Design Professional’s Certification of Liability Insurance |  | |  | |
| ***The following exhibits are for use only when requesting an Early Start of Construction Post-Firm.*** | | | | | |
|  | Completed Early Start of Construction Checklist portion |  | |  | |
|  | Inspection Fee  Payment receipt generated by Pay.gov. Inspection fee to be based upon $5 per thousand of the amount of the work to be completed under the Early Start as evidenced by the form HUD-2328, Contractor’s and/or Mortgagor’s Cost Breakdown, corresponding to the Early Start work.  Fee Submitted: $ |  | |  | |
|  | Evidence that the Early Start Data Sheet was sent to the ORCF Construction Manager  Please notify the ORCF Construction Manager in advance of submitting the Early Start application. A sample data sheet can be found in the Early Start Application Instructions |  | |  | |
|  | Memo Requesting Post-Commitment Early Start of Construction (Form HUD-9442-ORCF) |  | |  | |
|  | Justification showing good cause for commencing construction prior to initial endorsement |  | |  | |
|  | Description of the Scope of Work to be completed as part of the Early Start of Construction  Work performed under early start is limited to site and foundation work. However, additional work may be approved upon a showing of urgent and compelling circumstances with ORCF approval. |  | |  | |
|  | Request for Permission to Commence Construction Prior to Initial Endorsement for Mortgage Insurance (Form HUD-92415-ORCF) |  | |  | |
|  | Early Commencement/Early Start-Borrower Certification, Form HUD-90023-ORCF  Construction is NOT permitted prior to written approval of the Early Start, and the HUD PreConstruction Conference |  | |  | |
|  | Grading/Building/Other Permits  Must cover, at a minimum, the Early Commencement/Early Start Work, and Permits must clearly identify the work to be performed or lender must attach a brief clarification |  | |  | |
|  | Construction Contract – (Form HUD-92442-ORCF, with attachments):   1. Incentive Payment (Form HUD-92443), if applicable 2. Exhibit A- Cost Breakdown(s) (Form HUD-92328-ORCF)   It is recommended that 3 HUD-92328-ORCF forms be submitted – one corresponding to the work anticipated to be completed with the Early Start of Construction, one covering the remainder of the work on the project, and a combined 92328-ORCF.   1. Exhibit B-Index to Drawings and Specifications   Early Start of Construction work must be clearly described and identified in the contract. |  | |  | |