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| **Firm Application Checklist**  Section 232 – New Construction Initial Submission |  | **U.S. Department of Housing and Urban Development**  Office of Healthcare Programs |

**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.”

[**Section 232 Program Questions and Answers**](https://www.hud.gov/federal_housing_administration/healthcare_facilities/residential_care/knowledgebase)

| **No.** | **Item** | **N/A** | **Incl.** |
| --- | --- | --- | --- |
| **Section 1: Underwriting** | | | |
|  | 1. Payment receipt – FHA Application Fee (0.3% of Mortgage Loan Amount) Payments are made at [Pay.gov](https://www.pay.gov/public/search/agencyforms?agencyFilters=HUD+Office+of+Administration&searchCategory=PAYMENT&searchType=AGENCYPAYMENT&agencyId=1642). Select ‘Healthcare Program Fees,’ and ensure all information entered is correct. The project type should reflect whichever type makes up the most beds at the facility. [Pay.gov Instructions for ORCF](https://www.hud.gov/sites/dfiles/Housing/documents/Pay.gov_.docx) 2. [Section 232 New Construction Initial Submission Firm Application Checklist](https://www.hud.gov/sites/dfiles/Housing/documents/ORCF_CHKLST_NCI.docx) 3. Intentionally Omitted |  |  |
|  | [HUD-9005-ORCF, Lender Narrative for Initial Submission](https://www.hud.gov/sites/dfiles/OCHCO/documents/9005_orcf.docx)\* For Green MIP applications see NOTE section at end of checklist.  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](https://www.hud.gov/sites/dfiles/OCHCO/documents/92264a-orcf.xlsx), Maximum Insurable Mortgage Calculation\*For Green MIP applications see NOTE section at end of checklist. |  |  |
|  | [Section 232 New Construction Initial Submission Firm Commitment](https://www.hud.gov/sites/documents/firmcommitment-2stageInit.doc) (optional supplement) Submit draft version in Word format.  Please include the exhibit number, title, and FHA # at the top of the page of the following exhibits to the Firm Commitment:   1. Exhibit A, Legal Description (PDF document) 2. Intentionally Omitted at this stage 3. Intentionally Omitted at this stage 4. Intentionally Omitted at this stage 5. Intentionally Omitted at this stage 6. Intentionally Omitted at this stage |  |  |
|  | [HUD-90012-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/90012_orcf.docx), Consolidated Certification-Lender |  |  |
|  | [HUD-90024-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/90024_orcf.docx), Contact List  Submit electronic version in a Word document |  |  |
|  | Copies of any email guidance provided by ORCF on this project before the application submittal. |  |  |
|  | [HUD-2-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/2_orcf.docx), Request for Waiver of Housing Directive  Submit electronic version in a Word document |  |  |
|  | Intentionally Omitted |  |  |
|  | [HUD-91128-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/91128_orcf.xlsx), 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. | | | |
|  | * 1. Appraisal   2. Market Study |  |  |
|  | Intentionally Omitted |  |  |
|  | Environmental  Third-party environmental reviews are accepted through the HUD Environmental Review Online System (HEROS) for Section 232 mortgage insurance applications. HEROS submissions by third-party consultants, when completed thoroughly and accurately, and in accordance with [ORCF guidance](https://hud.gov/sites/dfiles/Housing/documents/HEROS_ORCF_Guidance.docx), help to expedite the Section 232 environmental review process. While such submissions remain voluntary at this time, ***lenders are encouraged to use HEROS submissions to facilitate completion of environmental reviews.***  The third-party consultants can assign the HEROS review to ORCF at the time of, or shortly before, the application’s submission to HUD. Upon approval by the lender, the consultant should submit the HEROS review to ORCF by using the “Assign Review” feature and selecting Wayne Harris as the assignee. ***Please do not contact Wayne Harris regarding HEROS; his name is only used to store the HEROS submissions until an environmental reviewer is assigned to the project.*** Questions regarding HEROS should be submitted to [LeanThinking@hud.gov](mailto:LeanThinking@hud.gov). Please also see [ORCF’s Environmental Resource Page](https://www.hud.gov/federal_housing_administration/healthcare_facilities/residential_care/environmental_resources).  Consultants should enter the name of the facility and the FHA Project Number in the “Project Name” field on the Initial Screen (1105) in HEROS. For example, 111-22999-ABC-Healthcare. Providing the FHA number with the project’s name allows ORCF to quickly identify the subject of the HEROS review.  A download of the HEROS environmental review record (ERR) should be included in the mortgage insurance application in *Section 2: Third-Party Reports*. The HEROS exhibit should be named “Other-**HEROS ERR**” to identify its content. Please note that a HEROS submission does not replace or eliminate any application exhibits.  After December 1, 2022, Environmental Assessment level reviews must address Climate Change and Energy Efficiency per the [August 25, 2022 Email Blast.](https://www.hud.gov/sites/dfiles/Housing/documents/AugustEmailBlast08252022.docx)   1. Phase I Environmental Site Assessment 2. Phase II Environmental Report 3. Intentionally Omitted 4. Standard Flood Hazard Determination Form, FEMA No. 086-0-32 (Required for all projects)   Flood Insurance: Required when any part of the structure is located in a Special Flood Hazard Area (aka a 100-year flood zone). Refer to the Flood Insurance requirements in HB 4232.1, Rev-1, Production, Section II, Part 14.7.H.   1. Intentionally Omitted 2. Intentionally Omitted 3. Other-HEROS ERR 4. Water Quality Report 5. Other: *<describe here>* |  |  |
|  | Floodplain  The following information is required if the site is located in a 100-year or 500-year floodplain on an effective, preliminary or pending FEMA Flood Insurance Rate Map.   1. Evidence of participation in an early warning system   Indicate the specific method(s) used to monitor weather conditions and flooding alerts (e.g., NOAA weather radio continuously monitored by staff and an emergency alert agreement with the state or municipal emergency services agency.)   1. Emergency evacuation and relocation plan   An emergency evacuation and relocation plan, including names and addresses of like facilities (i.e., similar residential healthcare facilities) that have agreements or contracts with the subject to serve as temporary relocation sites for the subject’s residents. For reference, the Centers for Medicare & Medicaid Services (CMS) has issued an Emergency Preparedness Checklist for health care facilities as a recommended tool for emergency planning.   1. Identification of evacuation route(s) out of the 500-year floodplain   Provide road maps and the flood zone designations of the relocation sites. Provide evidence that the relocation facilities are located outside the 500-year flood zone.   1. Identification marks of past or estimated flood levels on all structures in a 100-year or 500-year flood zone, or that have previously flooded   Marks must be on the exterior of the building and must be permanent. While 100-year flood levels can usually be found on the Flood Insurance Rate Map, 500-year flood levels are not typically shown on the maps.  Methods that can be used to estimate the 500-year flood level include: 1) using the FEMA methodologies; the 500-year flood level may be available in the Flood Insurance Study on the FEMA website, or at the local municipal offices, 2) by multiplying the Base Flood Elevation (i.e., the 100-year flood level) by a factor of 1.25, (applicable in low-lying areas, coastal regions); or 3) using the elevation that results from estimating the freeboard value. For critical actions this is reached by adding an additional 3 feet to the 100-year base flood elevation. If the project is located in an area protected by a levee, it may be helpful to contact the floodplain manager in the local government that works with FEMA to ask for the reduced flood level due to the levee.   1. Example Resident Notification   All new and renewal leases or resident contracts must contain an acknowledgement signed by the resident (or their agent) indicating they have been advised of the portions of the site that are in a floodplain and that flood insurance is available for their personal property. An example of the notice should be included with the application, and the borrower's certification of compliance must be provided prior to closing.   1. Intentionally Omitted 2. Intentionally Omitted 3. Incidental Portion Exception   Projects invoking the “incidental portion” exception or other exclusion under 24 CFR 55.12 are located in a floodplain. The following documentation is required:   1. All 100-year and 500-year floodplain areas are only incidental portions of the site and construction (including existing improvements) or landscaping activities (except for minor grubbing, clearing of debris, pruning, sodding, seeding, etc.) do not occupy or modify the relevant floodplain. 2. Protective covenant to be placed on the property’s continued use to preserve the floodplain. The covenant must run with the land to provide for permanent preservation of the floodplain and must not be dependent on the mortgage instrument. [Sample Covenant](https://www.hud.gov/sites/documents/RestrictvCovFldplWtld.doc) 3. A. Evidence of participation in an early warning system   B. Emergency evacuation and relocation plan  C. Identification of evacuation route(s) out of the 500-year floodplain |  |  |
|  | State Historic Preservation Office (SHPO) requirements  All projects that include activities beyond the scope of routine maintenance require consultation with the SHPO.   1. Documentation sent to SHPO, including [Delegation of Authority Memorandum](https://www.hud.gov/sites/dfiles/OCHCO/documents/HousingSection106.pdf) 2. SHPO response |  |  |
|  | 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:  Projects that are increasing residential density must comply with the hazardous operations standards in 24 CFR Part 51 Subpart C. For existing or proposed AST(s) of explosive or flammable hazards located on-site or directly visible from the site provide:   1. Intentionally Omitted 2. Intentionally Omitted 3. Completed acceptable separation distance (ASD) calculations. 4. Proposed mitigation (please review the [**Lender's Environmental Checklist**](https://www.hud.gov/sites/documents/223f_EnvChecklist.xlsx) for mitigation guidance) 5. A plan showing the location of the existing or proposed AST and the distance to the project’s structures and outdoor areas of congregation (including parking areas). |  |  |
| **Section 3: Borrower** | | | |
|  | Organizational Chart  Ensure compliance with [Housing Notice H 2016-15](https://www.hud.gov/sites/documents/16-15HSGN.PDF). Org chart should include the Borrower entity only. |  |  |
|  | 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](https://www.hud.gov/sites/dfiles/OCHCO/documents/90013_orcf.docx), Consolidated Certification-Borrower \*For Green MIP applications see NOTE section at end of checklist.  Part VI Parties to the Transaction, Part XIII Section 223(d) Certifications, Part XV Certification of Multiple Projects for Section 223(a)(7), are NOT required to be completed. Be sure to include all applicable Attachments.  Previous Participation Certification:  See [Housing Notice 2016-15](https://www.hud.gov/sites/documents/16-15hsgn.pdf) for additional guidance on the Previous Participation Certification   1. Complete HUD-90013, Part IX Previous Participation, include Attachment 1, and Register Controlling Participants in the Business Partner Registration System (BPRS)   **OR**   1. Active Partners Performance System (APPS) Submittal: Previous Participation Certification via APPS. Include a copy of the signatures pages in the application. |  |  |
|  | Credit Report |  |  |
|  | Financial Statements – Year-to-Date  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](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
|  | Intentionally Omitted |  |  |
|  | Intentionally Omitted |  |  |
|  | 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. Each Borrower Principal should have its own folder in the Portal as well. Include individuals and entities providing financial capacity and operating experience. | | | |
|  | Organizational Chart  Ensure compliance with [Housing Notice H 2016-15](https://www.hud.gov/sites/documents/16-15HSGN.PDF). Org chart should include the Borrower entity only. |  |  |
|  | 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 |  | |  |  |
|  | Résumé / Evidence that individual or entity is qualified |  |  |
|  | [HUD-90014-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/90014_orcf.docx), Consolidated Certifications – Principal of the Borrower  Part VIII Parties to the Transaction, and Attachment 1 are NOT required to be completed.  Previous Participation Certification:  See [Housing Notice 2016-15](https://www.hud.gov/sites/documents/16-15hsgn.pdf) for additional guidance on the Previous Participation Certification   1. Complete HUD-90014, 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. 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 |  |  |
|  | HUD-92417-ORCF, Personal Financial and Credit Statements  When cash requirement for closing and beyond is being met by an individual(s) rather than a business entity, submit a full year HUD-92417-ORCF for each. |  |  |
| **Section 5: Operator** | | | |
|  | 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 |  | |  |  |
|  | Résumé/Evidence that individual or entity is qualified |  |  |
|  | [HUD-90015-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/90015_orcf.docx), Consolidated Certifications – Operator    Previous Participation Certification: See [Housing Notice 2016-15](https://www.hud.gov/sites/documents/16-15HSGN.PDF) for additional guidance on the Previous Participation Certification   1. Complete HUD-90015, 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 for Operator |  |  |
|  | Financial Statements – Year-to-Date  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](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
|  | 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. 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](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
|  | 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. 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](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
|  | 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. 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](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
|  | 1. Operating Lease with HUD-91116-ORCF, Addendum to Operating Lease 2. Memorandum of Lease 3. [HUD-91110-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/91110_orcf.docx), Subordination, Non-Disturbance and Attornment Agreement of Operating Lease (SNDA) Required only for non-related borrowers and operators. 4. [HUD-91117-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/91117_orcf.docx), Operator Estoppel Certificate |  |  |
| **Section 6: Parent of Operator** | | | |
|  | Organizational Chart  Ensure compliance with [Housing Notice H 2016-15](https://www.hud.gov/sites/documents/16-15HSGN.PDF). Org chart should include the Parent of Operator entity only |  |  |
|  | 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 |  | |  |  |
|  | Résumé/Evidence that individual or entity is qualified |  |  |
|  | [HUD-90016-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/90016_orcf.docx), Consolidated Certification-Parent of Operator  Part VII Previous Participation and Attachment 1 do NOT need to be completed. |  |  |
|  | Credit Report   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  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](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
|  | 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. Income and Expense Statement 5. [HUD-91126-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
|  | 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. Income and Expense Statement 5. [HUD-91126-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
|  | 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. Income and Expense Statement 5. [HUD-91126-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/91126-orcf.pdf), Financial Statement Certification |  |  |
| **Section 7: Management Agent** | | | |
|  | 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-9839-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/9839_orcf.docx), Management Certification-Residential Care Facility |  |  |
|  | Management Agreement and [Form HUD-92071-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/92071_orcf.docx), Management Agreement Addendum |  |  |
|  | Résumé/Evidence that individual or entity is qualified |  |  |
|  | [HUD-90017-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/90017_orcf.docx), Consolidated Certification-Management Agent    Previous Participation Certification:  See [Housing Notice 2016-15](https://www.hud.gov/sites/documents/16-15hsgn.pdf) for additional guidance on the Previous Participation Certification   1. Complete HUD-90017, Part X 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. |  |  |
|  | Intentionally Omittted |  |  |
| **Section 8: Real Estate** | | | |
|  | 1. Intentionally Omitted 2. Intentionally Omitted 3. If Land is to be purchased: 4. Purchase and Sale Agreement for Land 5. Amendments or Extension Agreements to Purchase and Sale Agreement 6. Last Arm’s Length Certification   1. Purchase contract or Settlement Statement |  |  |
|  | Licenses   1. Current Facility License (if applicable) 2. Intentionally Omitted 3. Operator or Management Agent 4. Application for Facility License   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: <Specify> 13. Exception Documents Exception documents, title exceptions and survey noted exceptions should match. Exception documents must include copies of the actual documents. These documents must be legible. 14. Intentionally Omitted |  |  |
|  | ALTA/ACSM Land Title Survey  See [HUD-91111-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/91111_orcf.docx), 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](https://www.hud.gov/sites/dfiles/OCHCO/documents/91130_orcf.docx), Building Codes 3. Verification of Zoning and Code Variances 4. CMS Fire Safety Requirements for Long-Term Care Facilities, Automatic Sprinkler Systems (if applicable) 5. Intentionally Omitted 6. Intentionally Omitted   Evidence should address requirements for rebuilding if partially destroyed. |  |  |
|  | Municipal services and other utility assurance letters   1. Intentionally Omitted 2. Intentionally Omitted 3. Intentionally Omitted 4. Electricity 5. Natural Gas 6. Telephone 7. Cable Television 8. Water and Sewer Service 9. Garbage Collection 10. Storm Sewer |  |  |
|  | Intentionally Omitted |  |  |
|  | Commercial Lease(s) |  |  |
|  | Land/Ground Lease including HUD requirements/provisions outlined in [HUD-92070-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/92070_orcf.docx), 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](https://www.hud.gov/sites/dfiles/OCHCO/documents/91125_orcf.xlsx), Staffing Schedule |  |  |
|  | Intentionally Omitted |  |  |
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|  | 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. |  |  |
|  | HUD-935.2D, Affirmative Fair Housing Marketing Plan |  |  |
|  | Intentionally Omitted |  |  |
| **Section 10: Professional Liability Insurance (PLI) - 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 Financing Documents – Intentionally Omitted** | | | |
| **Section 13: Master Lease Documents – Intentionally Omitted** | | | |
| **Section 14: Contractor – Intentionally Omitted** | | | |
| **Section 15: Construction and Architectural Documents** | | | |
|  | Plans \*For Green MIP applications see NOTE section at end of checklist.  Plans provided with the Initial Submission can be preliminary sketch drawings. At a minimum, the preliminary drawings must include (a) a site plan; (b) typical floor plan; (c) typical unit plan; (d) typical elevations and (e) Location Map with property clearly defined and adjacent land uses identified. The drawing must include dimensions. **Hard copies of the plans and specifications are not required; however, a PDF, electronic version must be provided; file sizes cannot exceed 50 MB.** Please note that changes in unit area and unit count between the initial and final submission may affect HUD’s conclusion regarding the appraisal and market study. |  |  |
|  | Intentionally Omitted |  |  |
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|  | [HUD-91124-ORCF](https://www.hud.gov/sites/dfiles/OCHCO/documents/91124_orcf.docx), Design Architect’s Certification\*For Green MIP applications see NOTE section at end of checklist. May be submitted and signed at the final stage. |  |  |
|  | Intentionally Omitted |  |  |
| ***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-ORCF, 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) |  |  |
|  | Borrower’s Certification that construction has not commenced  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):  a. Incentive Payment (Form HUD-92443), if applicable  b. Exhibit A- Cost Breakdown(s) (Form HUD-2328-ORCF)  It is recommended that 3 HUD-2328-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 2328-ORCF.  c. Exhibit B-Index to Drawings and Specifications  Early Start of Construction work must be clearly described and identified in the contract. |  |  |
| **Section 16: Green MIP** | | | |
| Provide all relevant Green MIP docs executed/signed (see below) See [Green MIP Directives/Documents](https://www.hud.gov/federal_housing_administration/healthcare_facilities/residential_care/green_mip) page. | | | |
| **16-1.** | A. Statement of Energy Performance (SEP) for any onsite existing buildings, must be signed by the Energy Professional (EP).   1. Statement of Energy Design Intent (SEDI) signed by the Energy Professional   May be submitted at the final stage if plans and specification are under 80% developed.  **NOTE:** All Green MIP Loans and annual audits (submitted on or after 1/1/24) must benchmark the SEP (not the SEDI) for existing buildings in EPA’s Portfolio Manager. The Borrower (via an Energy Professional) must authorize Portfolio Manager to share SEP data with HUD. See HUD Notice 2023-11. (A copy of the SEP is to be included with the initial application for any onsite existing buildings). |  |  |
| **16-2.** | Energy Audit (ASHRAE Level II or III) Signed by the Energy Professional (EP)  May be submitted at the final stage. |  |  |
| **16-3.** | Intentially Omitted |  |  |
|  | **NOTE:** On Green MIP submissions, the following Exhibits (referenced above) must include:  **1-2.** [HUD-9005-ORCF](https://www.hud.gov/federal_housing_administration/healthcare_facilities/residential_care/underwriting/223f), Lender Narrative must include the following:   1. Name of the Project Architect 2. Name of the Energy Professional (or Project Architect if *green credentialed*) 3. Name of the selected Green Building Certification (GBC) and Level 4. Name of the Verifier/Rater for the GBC (must be independent, see ML) 5. Name of the *proposed* Needs Assessor for the PCNA (no IOI with EP) 6. Narrative and list of *proposed* green energy/water efficient components and costs for any onsite existing buildings (including any proposed renewable energy sources\*) 7. SEP information (if applicable) on Benchmark as-is score and proposed as-improved SEP score for any onsite existing buildings (percent of energy and water reductions proposed) 8. Confirmation that the project will meet or exceed the required 25% and 10% site energy and water reductions and achieve an Energy Star Score of 75 or better after construction is complete. 9. Confirmation that the Green MIP Summary sections items each items are wholly consistent with Green MIP data contained elsewhere in the application. 10. Confirmation that existing building(s) (if applicable) benchmark data in Portfolio Manager (PM) is *shared* with HUD. Benchmark data must include all energy and water data (EUI/WUI), including the name and dates of the ORCF approved Green Building Certificate (Third-Party Certification.), the EPs verified on date and *credentials*. In order to share data, the iREMS ID must be entered in PM. The iREMS ID# is initially setup by the Borrower or Borrower’s EP. See [Benchmarking Instructions](https://www.hud.gov/sites/dfiles/Housing/documents/9.2023.Benchmarking_Instructions_with_New_Cover.pdf) on ORCFs website. 11. Confirmation that the building will have energy consumption monitoring equipment or utility data that can provide 100% whole building consumption data for benchmarking. 12. Confirmation that the project complies with ORCF’s Green MIP Mortgagee Letter 2022-13, as applicable. 13. **Note regarding projects with solar or other renewable energy sources.** While the use of solar may improve the Energy Star score, ORCF does require the building design to meet or exceed the 25% site energy usage reductions by comparison with the energy use estimated for the same structures if built to HUD’s minimum or local energy codes, whichever is more stringent.   **1-3**. HUD-92264(a)-ORCF, Maximum Insurable Mortgage Calculation\*  The MILC (Sources and Uses) must include the estimated costs for energy and water efficiency improvements and all energy reports.  **3-3**. HUD-90013-ORCF, Borrower’s Consolidated Certification\*  Borrower certification must be signed at Part XIV and Attachment 2 filled out. The GBC and Level must be consistent with the Green MIP Summary sections of the Lender Narrative.  **15-1**. Plans are developed at a minimum as described in 15-1 above\*  The Lender Narrative shall include a Green MIP summary and confirmation that the Energy Professional and Green Building Rater/Verifier are engaged early on in the preliminary design.  **15-11.** HUD-91124-ORCF, Design Architect’s Certification\*  The Energy Professional of record must sign the Green MIP Section. May be submitted and signed at the final stage. |  |  |