

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
 FHA Insured Post-Initial Closing Electronic Document Checklist – For §§§ 207, 220, and 221 Projects

Project Name _____

FHA Project Number _____

Initial Closing Date _____

Per the Uniform Condition #9 of the Firm Commitment for the POST-CLOSING submission, all electronic files of the executed closing documents must be submitted on a USB flash drive using the HUD mandated naming conventions. The standard naming convention is:

[iREMS number] _ [HUD naming convention] For example – 800123456_Note Multistate.

All files should be submitted in a PDF format using this naming convention. *Note: this naming convention is NOT required for DRAFT closing documents.*

Item	HUD Form	HUD's electronic submission Naming Convention	#	Status and Comment
I. FHA Commitment				
1. a. FHA Firm Commitment	HUD-92432	Firm Commitment	C	<i>Include all attachments including HUD-executed 92264, 92264-A, and property insurance requirements and schedule. Include extensions, if applicable.</i>
b. Amendments, if any		Firm Amendments	C	
c. Assignments, if any		Assignment of Commitment	C	
II. I. IV. Organizational, Due Diligence, and Other Supporting Documents				
2. Borrower's Incumbency Certificate with Organizational Documents attached		Incumbency Certificate	O	<i>Update checklist as appropriate for entity type.</i>
a. Filed formation documents, from Secretary of State, as amended		3234B or 3235 Model Form of Certificate of Incorporation	C	<i>e.g., Articles of Organization, Certificate of Limited Partnership, or Articles of Incorporation.</i>
b. Operating Agreement / Partnership Agreement / Bylaws, as amended		3245 Model Form of Bylaws	C	<i>Should include HUD-required provisions and be certified by Borrower as current and correct.</i>
c. Authorizing Resolution		Mins of Meetings Resolutions Organize of Dirs Shareholders	C	<i>If applicable (authority may be granted in governing agreement).</i>
d. Status certificate		Status Certificate	C	<i>Should be dated w/in 30 days of closing</i>

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	e. Qualification to Do Business in Project State		Qualification to Do Business in Project State	C	For out-of-state entities, if applicable.
3.	Borrower's Managing Member / General Partner's Incumbency Certificate with Organizational Documents attached		Incumbency Certificate	O	As applicable.
	a. Filed formation documents, from Secretary of State, as amended		3234B or 3235 Model Form of Certificate of Incorporation	C	e.g., Articles of Organization, Certificate of Limited Partnership, or Articles of Incorporation.
	b. Operating Agreement / Partnership Agreement / Bylaws, as amended		3245 Model Form of Bylaws	C	Should be certified by entity as current and correct.
	c. Authorizing Resolution		Mins of Meetings Resolutions Organize of Dirs Shareholders	C	If applicable (authority may be granted in governing agreement).
	d. Status certificate		Status Certificate	C	Should be dated w/in 30 days of closing.
	e. Qualification to Do Business in Project State		Qualification to Do Business in Project State	C	For out-of-state entities, if applicable, and if required by state law.
4.	ALTA Survey Plat with HUD Survey Certification		92457 Surveyors Report and Certified Property Survey	O	Dated within 120 days of closing.
5.	HUD Survey Instructions and Surveyor's Report	HUD-91073M	91073M HUD Survey Instructions and Report	O	Last inspection within 120 days of closing.
6.	Title Insurance Policy, with endorsements		Title Insurance Policy	O	2006 ALTA form, where approved for use in the applicable jurisdiction. HUD-required endorsements shall be attached. Title exception documents and pro forma policy should be received & reviewed prior to closing. Include authority letter for title agent, if applicable.
	a. Title Exception Documents		Title Exception	C	
	b. UCC Search Report		UCC	C	

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7.	Deed or Ground Lease	HUD-92070M, if Ground Lease	Deed or Ground Lease	C	
8.	Evidence of Zoning Compliance		Evidence of compliance (Zoning Comp)	C	Usually a zoning endorsement to Title Policy; if not, a zoning opinion or letter from the zoning authority may be needed.
9.	Assurance of Utility Service		Letters Assuring Use of Utility Service	C	Letters: water, sanitary & storm sewer, electricity, gas, & phone.
10.	Opinion of Borrower's Counsel	HUD-91725M	91725M Guide for Opinion of Borrowers Counsel	O	Should include appropriate attachments.
	a. Certification of Borrower	HUD-91725M-CERT	91725M Guide for Opinion of Borrowers Counsel	O	
	b. Supporting legal opinion		Third Party financing-legal documents	C	Bond/LIHTC opinions, if applicable.
	c. List of pending litigation		Litigation Hold	C	If applicable.
11.	Application for Insurance of Advance of Mortgage Proceeds	HUD-92403	92403 App for Insurance of Advance of Mortgage proceeds	O	
12.	Inspection Fee Check		Inspection Fee Check	O	If applicable.
13.	Mortgage Insurance Premium (MIP) Check		Mortgage Insurance Premium Check	O	If applicable.
14.	Additional Examination Fee Check		Miscellaneous Fee Check	O	If applicable.
15.	Special Conditions from Firm Commitment		FIRM Special Conditions		If applicable.
16.	Local Requirements		Local Requirements		
17.	Attendance List		Closing Attendance List	O	If applicable

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V.	VII. HUD Loan Documents				
18.	Note (Multistate)	HUD-94001M & state addendum	Note multistate	C	<i>State-specific provisions and/or addenda may be required.</i>
19.	Security Instrument	HUD-94000M & state addendum	Security Agreement and Financing Statement	O	<i>State-specific provisions and/or addenda may be required.</i>
20.	Regulatory Agreement	HUD-92466M	92466M Regulatory Agreement for Multifamily Projects	O	
21.	UCC Financing Statements (State & County)		UCC	C	
22.	Building Loan Agreement	HUD-92441M	92441M Building Loan Agreement	O	
23.	Lender's Certificate	HUD-92434M	92434M Lenders Certificate	O	<i>With all applicable exhibits and attachments.</i>
24.	Lender's Assurance of Permanent Financing		Lenders Certifications	O	
25.	Certified Closing Statement		Certified Closing Statement	O	
26.	Agreement and Certification	HUD-93305M	93305M Agreement and Certification	O	
27.	Operating Deficit Escrow	HUD-92476a-M	92476A M Escrow Agreements for Operating Deficits	O	
28.	Escrow Agreement for Working Capital	HUD-92412M	92412M Escrow Agreement for Working Capital	O	

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29.	Other escrow agreements, if applicable		Other Escrow Agreements	O	List as required, see Closing Guide § 2.8.
30.	Borrower's Oath	HUD-92478M	92478M Borrowers Oath not 232	O	Must be given under oath in accordance with state law requirements for taking an oath, in order to fulfill National Housing Act requirements.
III.	<input checked="" type="checkbox"/> X. Construction Documents				
31.	Owner-Architect Agreement (B108) & HUD Amendment	HUD-92408-M	Owner-Architect Agreements	C	
32.	Certification of Architectural / Engineering Fees		Certification of Architectural and Engineering Fees	O	See sample language in Closing Guide § 5.7.
33.	Mortgagor's and Architect's Certificate of Payment	HUD-92403.1	92403 1 Mortgagor Architect Certificate	O	
34.	Architect's Insurance Agent's Certificate		Architect Insurance	C	For both design and supervisory architects, if different.
35.	Building Permit(s)		Building Permits		
36.	Construction Contract and HUD Supplementary Conditions	HUD-92442M HUD-92554M	92442M Construction Contract 92554M Supplementary Conditions of the Contract for Const	O	Include all appropriate exhibits.
37.	Assurance of Completion for Project				Either bonds or completion assurance agreement.
	a. Bonds		Bond or Indenture Agreements		
	i. Performance Bond	HUD-92454M	92452 Performance Bond	C	

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	ii. Payment Bond	HUD-92452A-M	92452 A M Payment Bond	C	
	iii. Surety's Power of Attorney		Surety Letter	O	<i>Original to be attached to each bond or to each Performance/Payment Bond set.</i>
	iv. Surety's Fax/Email Letter		Surety Letter	C	<i>To be sent on closing day from surety's corporate office, not broker's office, confirming Power of Attorney.</i>
	b. Completion Assurance Agreement	HUD-92450M	92450M Completion Assurance Agreement	O	
	i. Evidence of Deposit or Letter of Credit		Evidence of Deposit Letter of Credit	C	<i>As applicable.</i>
38.	Plans and Specifications		Plans and Specifications for repairs-if required (PlansSpecs)	O	<i>Final, signed by Architect and collected by housing staff.</i>
39.	Completion Assurance Documents for Off-Site Improvements	HUD-92479M, if using bond, HUD-91071M if using escrow	92479M Off Site Bond Dual Obligee	O	<i>Also, list other required documents if applicable and as required by HUD, pursuant to § 3.5.D. of the Closing Guide.</i>
40.	Notice of Commencement		Notice of Commencement	C	<i>If project jurisdiction requires. Recording may also be required.</i>
V. Secondary Financing Documents					
41.	Restrictive Covenants / Use Agreements		Use Agreements	C	<i>With HUD rider if applicable.</i>
42.	Secondary Financing Loan Documents		Secondary Financing	C	
	a. Loan Agreement		Secondary Financing – Loan Agreement	C	
	b. Note		Secondary Financing - Note	C	

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	c. Mortgage			Mortgage-secondary financing	C	
	d. Subordination Agreement, or Rider to Note and Mortgage	HUD-92420M		92420M Subordination Agreement	O	<i>If private, non-governmental secondary financing is approved, a Rider to the second mortgage is used (see Closing Guide § 5.1); if public financing, the HUD Subordination Agreement is required.</i>
43.	Disbursement Agreement			Disbursement Agreement	O	<i>If applicable.</i>
VI. Supplemental Bond/LIHTC Deliverables						
44.	Restrictive Covenants / Use Agreements			Use Agreements	C	<i>With HUD rider if applicable.</i>
45.	Bond Counsel Opinion			Bond Counsel Opinion	C	
VII. HUD Administrative Documents and Additional Requirements						
46.	Administrative Memo with attached Waivers and HUD-2 forms			Waivers-Requests for waivers HUD-2 form (Waivers)	O	<i>If applicable.</i>
47.	Document Review Worksheets, if applicable			Document Review Worksheets	O	<i>If used by program staff to document compliance with cost, valuation, architectural, or other underwriting requirements.</i>
48.	Previous Participation Certification Clearance	HUD-92530		2530 Previous Participation	C	
49.	Closing Memorandum	HUD-290		290 Final MF Closing Memorandum	O	
50.	Environmental Permits			Environmental Permits	C	<i>As applicable: U.S. and State Environmental Protection Agency Permit, Wetlands Permits from Army Corps of Engineers.</i>

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51.	Bond Guaranteeing Sponsor's Performance	HUD-92477M		92477M Bond Guaranteeing Sponsors Performance	O	<i>If applicable.</i>
52.	Commercial Space Leases (with Tenant Estoppel Certificates)			Commercial Leases	C	<i>If applicable.</i>
53.	Subordination, Non-Disturbance and Attornment Agreements			Subordination, Non-Disturbance and Attornment Agreements	C	<i>If applicable.</i> See sample form in Housing Notice 2011-07.
54.	Lender's Byrd Amendment Certificate			Byrd Amendment	O	<i>Unless collected previously by Housing.</i>