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

*Unless otherwise agreed, the HUD Attorney will obtain 3 sets of all documents: originals (O),certified copies (Cert), or photocopies (C), as noted.*

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

|  | **Item** | **HUD Form** | **#** | **Status and Comment** |
| --- | --- | --- | --- | --- |
| 1. **FHA Commitment** | | |  |  |
|  | a. FHA Firm Commitment | FHA 2453-MM | C | *Include all attachments including HUD-executed 92264, 92264-A, and property insurance requirements and schedule. Include extensions, if applicable.* |
| b. Amendments, if any |  | C |  |
| c. Assignments, if any |  | C |  |
| 1. **Organizational, Due Diligence, and Other Supporting Documents** | | | | |
|  | Borrower’s Incumbency Certificate with Organizational Documents attached |  | O | *Update checklist as appropriate for entity type.* |
|  | a. Filed formation documents, from Secretary of State, as amended |  | C | *e.g., Articles of Organization, Certificate of Limited Partnership, or Articles of Incorporation.* |
| b. Operating Agreement / Partnership Agreement / Bylaws, as amended |  | C | *Should include HUD-required provisions and be certified by Borrower as current and correct.* |
| c. Authorizing Resolution |  | C | *If applicable (authority may be granted in governing agreement).* |
| d. Status certificate |  | C | *Should be dated w/in 30 days of closing.* |
| e. Qualification to Do Business in Project State |  | C | *For out-of-state entities, if applicable.* |
|  | Borrower’s Managing Member / General Partner’s Incumbency Certificate with Organizational Documents attached | | O | *As applicable.* |
| a. Filed formation documents, from Secretary of State, as amended |  | C | *e.g., Articles of Organization, Certificate of Limited Partnership, or Articles of Incorporation.* |
| b. Operating Agreement / Partnership Agreement / Bylaws, as amended |  | C | *Should be certified by entity as current and correct.* |
| c. Authorizing Resolution |  | C | *If applicable (authority may be granted in governing agreement).* |
| d. Status certificate |  | C | *Should be dated w/in 30 days of closing.* |
| e. Qualification to Do Business in Project State |  | C | *For out-of-state entities, if applicable, and if required by state law.* |
|  | ALTA Survey Plat with HUD Survey Certification |  | O | *Dated within 120 days of closing.* |
|  | HUD Survey Instructions and Surveyor’s Report | HUD-91073M | O | *Last inspection within 120 days of closing.* |
|  | Title Insurance Policy, with endorsements |  | 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 |  | C |  |
| b. UCC Search Report |  |  |  |
|  | Deed or Ground Lease | HUD-92070M, if Ground Lease | C |  |
|  | Evidence of Zoning Compliance |  | C | *Usually a zoning endorsement to Title Policy; if not, a zoning opinion or letter from the zoning authority may be needed.* |
|  | Assurance of Utility Service |  | C | *Letters: water, sanitary sewer, storm sewer, electricity, gas, and phone.* |
|  | Opinion of Borrower’s Counsel | HUD-91725M | O | *Should include appropriate attachments.* |
| a. Certification of Borrower | HUD-91725M-CERT | O |  |
| b. Supporting legal opinion |  | C | *Bond/LIHTC opinions, if applicable.* |
| c. List of pending litigation |  | C | *If applicable.* |
|  | Inspection Fee Check |  | O | *If applicable.* |
|  | Mortgage Insurance Premium (MIP) Check |  | O | *If applicable.* |
|  | Additional Examination Fee Check |  | O | *If applicable.* |
|  | Certificate Regarding Tenant’s Security Deposits |  | O | *If applicable.* |
|  | Special Conditions/Local Requirements |  |  | *If applicable.* |
|  | Attendance List |  | O | *If applicable.* |
| 1. **HUD Loan Documents** | | | | |
|  | Note (Multistate) | HUD-94001M & state addendum | C | *State-specific provisions and/or addenda may be required.* |
|  | Security Instrument | HUD-94000M & state addendum | O | *State-specific provisions and/or addenda may be required.* |
|  | Regulatory Agreement | HUD-92466M | O |  |
|  | Lender’s Certificate | HUD-92434M | O | *With all applicable exhibits and attachments.* |
| 1. A | Agreement and Certification | HUD-93305M | O |  |
|  | Lender’s Current Payment Letter |  | O |  |
|  | Latent Defects Escrow | HUD-92414M | O |  |
|  | Escrow Agreement for Critical, Non-deferred Repairs | HUD-92476.1M | O |  |
|  | Other escrow agreements, if applicable |  | O | *List as required, see Closing Guide § 2.8.* |
|  | Borrower’s Oath | HUD-92478M | O | *Must be given under oath in accordance with state law requirements for taking an oath, in order to fulfill National Housing Act requirements.* |
| 1. **Construction Documents** | | | | |
|  | Building Permit(s) |  | C |  |
|  | Construction Contract and HUD Supplementary Conditions | HUD-92442M  HUD-92554M | O | *Include all appropriate exhibits.* |
|  | Applicable Wage Determinations |  | C |  |
|  | Certificate of Occupancy |  | C |  |
| **V. Certificates and Other Closing Requirements** | | | | |
|  | Contractor’s Requisition with Contractor’s Prevailing Wage Certificate | HUD-92448 | O |  |
|  | Request for Endorsement of Credit Instrument | HUD-92455M | O |  |
|  | Land Use Restriction Agreement |  | C | *If tax-exempt bond financing or LIHTCs.* |
|  | Borrower’s Attorney Opinion |  | O | *If tax-exempt bond financing or LIHTCs.* |
| **VI. Secondary Financing Documents** *If applicable, as to each.* | | | | |
|  | Restrictive Covenants/ Use Agreement~~s~~ |  | C | *With HUD rider if applicable.* |
|  | Secondary Financing Loan Documents |  | C |  |
| a. Loan Agreement |  | C |  |
| b. Note |  | C |  |
| c. Mortgage |  | C |  |
| d. Subordination Agreement, or Rider to Note and Mortgage | HUD-92420M | O | *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.* |
|  | Disbursement Agreement |  | O |  |
| **VI. HUD Administrative Documents and Additional Requirements** | | | | |
|  | Administrative Memo with attached Waivers and HUD-2 forms |  | O | *If applicable.* |
|  | Document Review Worksheets, if applicable |  | O | *If used by program staff to document compliance with architectural, cost, valuation, or other underwriting requirements.* |
|  | Previous Participation Certification Clearance | HUD-92530 | C |  |
|  | HUD Representative’s Trip Report | HUD-95379 | O |  |
|  | Maximum Insurable Mortgage | HUD-92580 | O |  |
|  | Labor Relations Clearance |  | C |  |
|  | Commercial Space Leases (with Tenant Estoppel Certificates) |  | C | *If applicable.* |
|  | Subordination, Non-Disturbance and Attornment Agreements |  | C | *If applicable.* See sample form in Housing Notice 2011-07. |
|  | Lender’s Byrd Amendment Certificate |  | O | *Unless collected previously by Housing.* |