

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Section 223(a)(7) Closing Checklist – Multifamily
(for use with 2020 MAP Guide)

Project Name:	Checklist Draft Date:
FHA Project Number:	Initial/Final Closing Date:

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

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

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

FHA Commitment & Attendance List				
__1.	__a. FHA Firm Commitment	Housing Notice 2018-03	C	<i>Include all exhibits.</i>
	__b. Amendments		C	<i>If applicable.</i>
	__c. Assignments		C	<i>If applicable.</i>
	__d. Exhibit B – Additional Conditions		C	<i>Include deal-specific conditions, if applicable.</i>
__2.	Attendance List		C	<i>If closing by mail, include contact list for parties involved.</i>
Organizational, Due Diligence, and Other Supporting Documents				
__3.	Borrower’s Incumbency Certificate with Organizational Documents attached		O	
	__a. Filed formation documents, from Secretary of State, as amended		C	<i>E.g., Articles of Organization, Certificate of Limited Partnership, or Articles of Incorporation. Certified within 60 days of closing.</i>
	__b. Operating Agreement / Partnership Agreement / Bylaws, as amended		C	<i>Must include HUD-required provisions and be certified by Borrower as current and correct.</i>
	__c. Authorizing Resolution		C	<i>If applicable (authority may be granted in governing agreement).</i>
	__d. Status certificate**		C	<i>Dated within 30 days of closing.</i>
	__e. Qualification to Do Business in Project State**		C	<i>For out-of-state entities, if applicable.</i>
__4.	ALTA Survey Plat with HUD Survey Certification		O	<i>Dated within 180 days of closing, if applicable.</i>
__5.	HUD Survey Instructions and	HUD-91073M	O	<i>Last inspection within 180 days of closing,</i>

	Surveyor's Report			<i>if applicable.</i>
__6.	Certificate of No Change to Survey		O	<i>If applicable</i>
__7.	Title Insurance Policy, with HUD-required endorsements		O	<i>2006 ALTA form, where approved for use in the applicable jurisdiction.</i>
	__a. Title Exception Documents		C	
	__b. UCC Search Report**		C	
	__c. ALTA Closing Protection Letter		C	<i>If applicable.</i>
	__d. Title Agent Letter of Authority		C	<i>If applicable.</i>
__8.	Vesting Deed or Ground Lease		C	<i>Confirm legal description. A new Lease Addendum (HUD-92070M) is not required unless the ground lease has been materially modified from the version approved at the previous insured loan closing without HUD approval or the Ground Lease term doesn't comply with the National Housing Act.</i>
__9.	Opinion of Borrower's Counsel	HUD-91725M	O	<i>Must include appropriate attachments.</i>
	__a. Certification of Borrower	HUD-91725M-CERT	O	
	__b. Supporting legal opinions		O	<i>E.g., property or organizational jurisdiction; tax-exempt bonds and/or/LIHTC.</i>
	__c. List of pending litigation.		C	<i>If applicable.</i>
__10.	Exam (aka Application) Fee Pay.gov Receipt		O	<i>Include evidence of additional payment if loan amount has increased from amount proposed in application.</i>
__11.	Upfront Mortgage Insurance Premium (MIP) Pay.gov Receipt**		O	
__12.	Evidence of Zoning Compliance		C	<i>Zoning endorsement to Title Policy, zoning opinion, or letter from the zoning authority.</i>
__13.	Evidence of Utility Access		C	<i>Borrower certification that utilities are fully installed and bills are current is acceptable. If there are post-closing repairs and/or alterations the certification must also state that there is no requirement for additional (or changes to) utilities to support the post-closing work required by the HUD Firm Commitment; if this later certification cannot be given then additional assurance of utility service from the utilities must be provided, along with a title policy endorsement, if available.</i>
__14.	Evidence of Critical Repair Completion	HUD-95379	O	<i>If applicable.</i>
__15.	Evidence of Building Code		C	<i>If applicable.</i>

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	Compliance			
__16.	Evidence of Flood Insurance		C	<i>If applicable.</i>
Loan Documents, Escrow, and Repair Forms				
__17.	Note (Multistate)	HUD-94001M & state addendum	C	<i>State-specific provisions and/or addenda may be required.</i>
__18.	Security Instrument	HUD-94000M & state addendum	O	<i>State-specific provisions and/or addenda may be required. Include Rider to Security Instrument – LIHTC Properties ,if applicable. Also include, if applicable, Rider to Security Instrument Fee Joinder (for structures where borrower doesn't hold fee title for tax abatement purposes.)</i>
__19.	UCC Financing Statements (State & County)		C	
__20.	Regulatory Agreement	HUD-92466M	O	<i>Include, as applicable: Rider for Affordable Projects; Residual Receipts Rider); Rider to Maintain Project's Energy Performance as Consideration for MIP Reduction.</i>
__21.	Request for Endorsement of Credit Instrument	HUD-92455M	O	<i>With all applicable exhibits and attachments.</i>
__22.	Borrower's Oath	HUD-92478M	O	<i>Must be given under oath in accordance with state law requirements for taking an oath. Section 4 need not be completed.</i>
__23.	Agreement and Certification	HUD 93305-M	O	<i>If applicable.</i>
__24.	Escrow Agreement for Deferred Repairs	HUD-92476.1 M	O	<i>If applicable.</i>
__25.	Other escrow agreements		O	<i>If applicable, see Firm Commitment.</i>
Certifications				
__26.	Certified Closing Statement**		C	
__27.	Consolidated Certifications - Borrower	HUD-91070M	O	<i>Unless previously collected by Housing, in which case a copy is sufficient.</i>
__28.	Lender's Byrd Amendment Certificate		O	<i>Unless previously collected by Housing, in which case a copy is sufficient.</i>
__29.	Lender's Assurance of Permanent Financing		O	
__30.	Lender's Certification Electronic Submission of (MF) Closing Documents	HUD-5985	O	<i>Required while HUD Memorandum dated March 16, 2020 related to the Covid-19 Pandemic remains in effect.</i>

HUD Administrative Documents and Additional Requirements				
__31.	Administrative Memo with attached Waivers and HUD-2 forms		O	<i>If applicable.</i>
__32.	Previous Participation Certification Clearance	HUD-92530	O	<i>Unless previously collected by Housing, in which case a copy is sufficient.</i>
__33.	Management Agent Certification	HUD-9839(a, b, or c, as applicable)	O	<i>Unless previously collected by Housing, in which case a copy is sufficient.</i>
__34.	HUD Prepayment Approval and supporting documents	HUD 9807 or 9808 (for 202 Prepayments)	C	<i>If applicable. Also use form HUD-93150 if previous project is a 223(f) subject to statutory rental use lockout; see Closing Chapter 19.6.2.2.</i>
Secondary Financing Loan Documents (Including Bridge Loans), Restrictive Covenants (including bonds/LIHTC), and Commercial Leases¹				
__35.	Secondary Financing Documents		C	<i>If applicable.</i>
	__a. Loan Agreement		C	
	__b. Note	HUD-92223M/ HUD-91710M or 91712M, as applicable		<i>If applicable. When debt is unsecured, use Surplus Cash Note; use Residual Receipts Note if Residual Receipts Rider to Regulatory Agreement is used.</i> <i>When debt is secured, include “Required HUD language in Subordinate Note” from section 3(c) of either HUD-92420M or HUD-92907M, as applicable.</i>
	__c. Mortgage		C	<i>If applicable.</i>
	__d. Subordination Agreement	HUD-92420M/ HUD-92907M, as applicable		<i>If applicable. When subordinate lender is a public entity, use HUD-92420M; when subordinate lender is private entity, use HUD-92907M.</i>
__36.	Restrictive Covenants/Use Agreements		C	<i>Use HUD Rider/Amendment to Restrictive Covenants, if applicable. This includes instances when Housing permits affordability covenants ahead of the HUD Security Instrument pursuant to the Closing Chapter and MAP Guide, with appropriate modifications; a sample of the revised Rider can be found here: https://www.hud.gov/program_offices/general_counsel/mffaq.</i> <i>In cases where a LURA cannot be recorded by final closing, Borrower must certify to HUD that the approved draft will be recorded as soon as practicable. In such cases, Lender’s Counsel must include the certification and the approved draft LURA in the Closing Docket. See</i>

¹ Additional tabs may be added when there are multiple secondary financing sources, restrictive covenants, etc.

[Insert Project Name and/or Number]

				<i>Closing Chapter 19.4.11.2.</i>
__37.	Disbursement Agreement		C	<i>If applicable.</i>
__38.	Bond Documents		C	<i>If applicable. See Closing Chapter 19.4.10 for scope of review for each document.</i>
	__a. Bond Counsel Opinion			
	__b. Trust Indenture/Funding Loan Agreement			
	__c. Restrictive Covenant/Tax Regulatory Agreement		C	<i>Use HUD Rider/Amendment to Restrictive Covenants, if applicable</i>
	__d. Bond Disbursement Agreement or Loan Agreement		C	
	__e. Bond Note		C	
__39.	Equity Bridge Loan Rider – LIHTC Projects		C	<i>If applicable. See MAP Guide 19.16.</i>
__40.	Commercial Space Leases (with Tenant Estoppel Certificates)		C	<i>If applicable. All commercial leases must be subordinate to Security Instrument, except as permitted by Program Obligations.</i>
__41.	Subordination and Attornment Agreement for Commercial Leases (and Non-Disturbance, if requested by lessee, and acceptable to Housing)		C	<i>If applicable. See MAP Guide Appendix 8.6 for guidance and sample SNDA.</i>
__42.	HUD Approval of Tax Deferral and Evidence of Subordination of Tax Deferral Lien		O	<i>If applicable. Unless previously collected by Housing, in which case a copy is sufficient. See MAP Guide Chapter 7.16.4.</i>
Section 8 and 202 Documentation				
__43.	Section 8 HAP Assignment		O	<i>If applicable.</i>
__44.	Section 8 HAP Renewal		O	<i>If applicable.</i>
__45.	Consent to Collateral Assignment of HAP Contract	HUD-9649 or HUD-9649a	O	<i>If applicable. See Closing Chapter 19.4.9.1.</i>