NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY

CONDUIT BOND FINANCING - PERMANENT ONLY DOCUMENT CHECKLIST

The New Jersey Housing and Mortgage Finance Agency ("Agency") intends to provide financing for this project through the issuance of taxable or tax-exempt bonds. The requirements listed in Section I of this checklist must be satisfied prior to Declaration of Intent. The requirements listed in Section II of this checklist must be satisfied prior to a Mortgage Commitment. And the requirements in Section III of this checklist must be satisfied prior to the Issuance of Bonds/Closing.

PLEASE NOTE the Conduit Bond Program remains a demonstration program for the Agency at this time. The Agency reserves the right to require additional documentation as deemed necessary throughout this conduit bond demonstration program.

DATE LAST UPDATED:

PROJECT NAME: PROJECT NUMBER:

Project Address:
City: County: 
Block: Lots: # of Units:

Type of Tax Credits: 4% Set Aside: Const. Period:

Population:

Type of Conduit Bond: (DIRECT PURCHASE/PLACEMENT; FANNIE MAE/FREDDIE ENHANCED; CASH COLLATERAL DEAL, ETC.)

DOI Expiration Date:

COMMITTMENT EXPIRATION DATE:

Closing Targeting Schedule**

<table>
<thead>
<tr>
<th>Targeted Closing Date:</th>
<th>DOI Board Meeting Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Board Meeting Date</td>
<td></td>
</tr>
<tr>
<td>Bond Documents Board Meeting Date</td>
<td></td>
</tr>
</tbody>
</table>

Please keep in mind that this is a targeted schedule that is meant to assist you in reaching your closing goal. These dates are subject to change.

AGENCY PARALEGAL:

Phone #: Fax #: e-mail:

AGENCY PARALEGAL MANAGER: Yadira Simmons, Assistant Director
Phone: (609) 278-7364 e-mail: ysimmons@njhmfa.gov

DEPUTY ATTORNEY GENERAL (Capital Markets): Brian McGarry
e-mail: brian.mcgarry@dol.lps.state.nj.us

DEPUTY ATTORNEY GENERAL (Multifamily): 
e-mail:
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Title of Document Requirements:
A - Document Received and Approved
NA - Not Applicable
R - Document Received and either (1) Under review or (2) Requires modification or update as indicated
* - An asterisk indicates that a New Jersey Housing and Mortgage Financing Agency form document must be used

All items are required to be submitted by the Borrower unless otherwise noted.

I. DECLARATION OF INTENT

___ UNIAP  (Date Approved_______________)

___ Evidence of Site Control (Date Received ______________)  (Date Approved_______________)
  ___ Deed
  ___ Option Agreement
  ___ Contract of Sale
  ___ Redevelopment Agreement
  ___ Ground Lease or Option to Enter into Ground Lease (Ground Lease Fee)
    ___ Condominium Requirements, if applicable
    ___ Condominium Association By-laws
    ___ Master Deed
    ___ Certificate of Formation of Condominium Association
    ___ Other

STATUS: ________________________________________________________

___ Financing Commitments (evidence for any and all sources included in underwriting)
STATUS: ________________________________________________________

___ Preliminary CNA, Scope of Work (Preservation projects only)
STATUS: ________________________________________________________

___ Cost Comparison (if applicable)  (Date Received _____)  (Date Approved_____)  
STATUS: ________________________________________________________

___ Conduit Bond Financing Structure Finalized

___ Borrower Selection of Underwriter
Resolution of Need from Municipality* (may be included in municipal resolution granting payments in lieu of taxes) N/A for projects with an existing Agency mortgage loan being refinanced under the Preservation Loan program. Resolution IS required for all other Preservation Loan projects not currently in the Agency’s portfolio. If a project is no longer under the Agency’s regulatory oversight/affordability restrictions, a new Resolution of Need is required. The resolution runs with the project, not with the owner; therefore, if there is a transfer of ownership/sale during the permitted pre-payment period and the project is therefore still under Agency oversight), a new resolution is not required. (Date Received ___) (Date Approved ___)

STATUS: 

SPECIAL NEEDS ONLY REQUIREMENTS: (IF NO SPECIAL NEEDS DELETE GRAY)

Supportive Services Plan (Date: __)

STATUS: 

Evidence of Source of Rental Assistance (Letter of award, if available)

STATUS: 

NJ Dept. of Human Services Project Support Letter

STATUS: 

Home Inspection Report (for purchase of single family homes)

STATUS: 

Opinion from Sponsor’s Counsel that property acquired may be leased to the tenant population (for properties (condominiums/townhomes) with homeowner associations)

STATUS: 

NJHMFA (All documents in this section will be prepared by NJHMFA):

Site Inspection Report (Date Approved___________)

Board Resolution for Declaration of Intent (Date Approved___________)

Declaration of Intent Letter (Date Issued ______________)

II. FINANCING COMMITMENT

Appraisal (along with approval from the lender or servicer) - The project appraisal must be commissioned by the lender or servicer, include NJ HMFA as an intended user, include the as-is value based on current rent amounts, include a separate land value, as if vacant. Additional requirements are included in the Agency’s Multifamily Appraisal Standards.

Evidence of Source of Rental Assistance (Letter of award, if available)

STATUS: 

Financing Commitments (List All) (may need updates from DOI)

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STATUS: ________________________________

__ Municipal Resolution Granting Payments in Lieu of Taxes*, (if applicable)
__ OTHER
(Date Received ________________) (Date Approved ________________)

STATUS: ________________________________

__ Agreement for Payment in Lieu of Taxes, (if applicable)(Date Received ____ ) (Date Approved___ )

STATUS: ________________________________

__ Preliminary Site Plan Approval, along with approval from credit enhancer / purchaser, if applicable (Date Received ________________) (Date Approved ________________)

STATUS: ________________________________

__ Construction Contract (for Construction, Construction/Permanent Financing projects)
Agency Addendum to Contract is required* Prevailing Wages are required
If there is HUD financing in the deal then the Agency defers to the HUD form of document.

Pre-submission meeting at NJHMFA with Technical Services staff architect: Prior to submittal of the final drawings, it is required to schedule a meeting with Technical Services’ staff to review the information to be submitted, in order to ensure, that the documents will contain all the information required for Agency approval. (Date of Meeting_____

__ Construction Documents and Project Manual (in CSI format) must be submitted electronically in PDF format, and shall consist of Final (100%) Contract Documents showing all required construction details, cross-sections, and other information necessary to constitute a construction-ready set of project construction documents consistent with the construction contract and with all sheets bearing the same date. The drawing set must include, at a minimum:
- Approved Final Site Plans and Final Subdivision Plans (if applicable);
- Civil Engineering Drawings;
- Architectural Drawings; - Mechanical/Electrical/Plumbing (MEP) Drawings; - Structural Drawings; - Fire Alarm/Suppression Drawings; and A detailed project cost estimate by trade
- All required construction details.

__ Architect’s Certification and Drawing List (Date Received ____ ) (Date Approved _____)
There is to be a separate certification on Architect’s letterhead bearing signature and seal stating:
This will certify that the accompanying drawings entitled “PROJECT NAME”, dated “DATE OF LATEST REVISION”, consisting of the documents set forth below, have been reviewed by this office and are complete, code compliant, consistent across the disciplines, contain all green and/or energy efficient measures in order to comply with Tax Credit compliance and issued for construction. Attach List of submitted drawings, manuals, etc.

__ Green Homes Preconstruction Authorization Letter. (consult with Technical Services for details)
NJHMFA (All documents in this section will be prepared by NJHMFA):

___ Bond Counsel Retained on Behalf of the Agency

___ Agency Board Resolution Authorizing Mortgage Commitment & Board approved action for transfer of ownership (Date Approved______________)

___ Commitment Letter and Indemnification Deposit (If applicable) (Date Approved_______)

III. BOND DOCUMENTS APPROVAL

NJHMFA (After issuance of Agency Commitment):

___ Board Resolution with Bond Documents (Date Approved ________)

IV. ISSUANCE OF BONDS/CLOSING

___ Updated Appraisal/Market Study, (If applicable) (Date Received___) (Date Approved___)

___ Acquisition Credit Opinion Letter (if applicable)

___ Rack Set - Prior to the beginning of construction, one full-size, construction-ready, paper set, signed and sealed by the architect, including civil drawings, shall be sent in to Technical Services. (Date Received________) (Date Approved________)

STATUS: ____________________________

___ DRAFT Operations Agreement with all Exhibits attached for Borrower entity and General Partner(s) or Managing Member(s) (as applicable) (Final needed at Closing) (HMFA Statement required for sponsoring entity only- assigned paralegal can provide required HMFA language) (Date Received ____________) (Date Approved ____________)

STATUS: ____________________________

___ Post Issuance Compliance Procedures Manual and Signed Acknowledgment of Same (Date Approved______)

___ DRAFT Closing Memorandum with breakdown of fees and funds (Date Received___) (Date Approved______)

STATUS: ____________________________

___ W-9 Escrow Account forms* for Borrower/Project Entity/Buyer and for each vendor. (Date Received:__________) (Date Approved__________)

STATUS: ____________________________

___ Final Evidence of Site Control (i.e. Deed, Signed Ground Lease, etc.) (Date Received ____________) (Date Approved ____________)

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Survey Endorsement insuring final survey without exceptions
Title Rundown Confirmation (in writing)
Copies of All Instruments of Record
First Lien Endorsement, (and/or Second Lien, etc.,) if applicable
Environmental 8.1 Endorsement
Evidence of payment of current condominium fees/assessments, if applicable
Arbitration Endorsement

Additional Endorsements as may be required depending on project type:
ALTA 13.1 - Leasehold endorsement, if applicable
ALTA 9 – Restrictions, Encroachments, Minerals, if applicable
ALTA 18 Multiple Parcels Endorsement (if scattered site project)
ALTA 5.1 – Planned Unit Development, if applicable
Condominium Endorsement, if applicable

STATUS: ________________________________

Survey (2 Sealed Originals Certified to Sponsor, NJHMFA and Title Company)
A “Flood Elevation Certificate” on the DEP Form and certified by a professional should be submitted with the Survey. (Date Received _____) (Date Approved_______)
STATUS: ________________________________

Final Executed Operations Agreement with all Exhibits attached for Sponsoring entity and General Partner(s) or Managing Member(s) (as applicable) (Final needed at Closing) (HMFA Statement required for sponsoring entity only) assigned paralegal can provide language
(Date Received _______) (Date Approved_______)
STATUS: ________________________________

Final Release and Waiver of Lien and Affidavit from General Contractor* --including Schedule “A” – Verified List of Subcontractors, which needs to list the following: Name of Subcontractor, Amount Paid and the Last Date worked on Site.

Final Release from all Subcontractors* (those furnishing labor, materials, supplies valued at $10,000 or more)

Development Cost or Tax Credit Audit, or audit document as otherwise approved by the Agency

Final Certificates of Occupancy for all units

Architects Substantial Completion Certificate

Deed of Easement for LIHTC (please contact Johanna Pena from HMFA Tax Credit Department to obtain jpena@njhmfa.state.nj.us)

Final Site Plan Approval along with approval from Credit Enhancer / Purchaser (if applicable) (Date Received _______) (Date Approved_______)
STATUS: ________________________________

IF Seller is an LD entity – DCA approval of the sale(Date Received ____)

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**III. PRE-CLOSING**

____ 42m Letter (Date Approved_____)  (Pricing)

____ Building Permits (Date Received _______) (Date Approved_____)  (Pricing)

STATUS: ______________________________

____ FINAL signed Closing Memorandum with breakdown of fees and funds (Date Approved_____)  

STATUS: ______________________________

____ Attorney Transactional Documents  (Date Received_____)  (Date Approved_____)  

____ ALL Counsel Opinions for loan closing.

____ Seller's Affidavit of Title and Corporate Resolution to Sell (if applicable)

____ Mortgagor's Affidavit of Title*

____ Resolution to Borrow  

STATUS: ______________________________

____ Payment & Performance Bonds or other guarantee acceptable to the Agency (if construction project and if required by enhancer/purchaser NJHMFA to be named) along with approval from Credit Enhancer / Purchaser (Date Received _____)  (Date Approved_______)


STATUS: ______________________________

____ Amortization schedules for Direct Purchases  

**NJHMFA:**

____ Satisfaction of Agency Board Commitment/ Closing Requirements, if any.

____ (Signed) Closing Proforma/Cash Flow (Agency Form 10)

____ GAU Approval of TEFRA (Pricing)

____ TEFRA Proof of Publication (obtain from Bond Counsel)

____ Signed Documents to Evidence Bond Issuance:  (Prepared by Bond Counsel)

**IV. POST CLOSING**

____ Title Policy & Recorded Loan Documents

____ Closing Binder w/CD (provided by Bond Counsel)