

**NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY
CONSTRUCTION ONLY FINANCING and
CONSTRUCTION AND PERMANENT FINANCING
DOCUMENT CHECKLIST**

The Agency intends to provide financing through the sale of taxable, tax-exempt bonds or any other funds available to the Agency. The requirements listed in Section I must be satisfied prior to **Declaration of Intent**. The requirements listed in Section II must be satisfied prior to a **Mortgage Commitment**. The requirements in Section III must be satisfied prior to the **Tax Credit Rate Lock**. The requirements in Section IV must be satisfied prior to **inclusion of the project in a bond issue**. The requirements in Section V must be satisfied prior to **Loan Closing**.

Please note that this checklist document is to be used for reference purpose only. All the required documents must be uploaded electronically at the NJHMFA **Multifamily Housing and Supportive Services Lending Portal** (<https://developers.njhousing.gov/>) unless stated otherwise.

Code to Document Requirements:

* - *An asterisk indicates an Agency form document must be used. Many forms are available on the NJHMFA website: www.state.nj.us/dca/hmfa*

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

I. REQUIREMENTS FOR DECLARATION OF INTENT

SPONSOR:

- ___ UNIAP Application*
- ___ Project Narrative, including Overview of Scope of Work.
- ___ Preliminary Proforma/Cash Flow (Agency Form 10)*
- ___ General Site Location Map & Directions
- ___ Resume for Sponsor(s)
- ___ **Special Needs Projects:**
- ___ Population served and the service provider must be clearly identified
- ___ Evidence of Site Control
 - ___ Deed
 - ___ Option Agreement
 - ___ Contract of Sale
 - ___ Redevelopment Agreement
 - ___ Ground Lease or Option to Enter into Ground Lease (keep in mind it is not the same as the Option Agreement listed above) **(Ground Lease Fee)**
 - ___ Condominium Requirements, if applicable:
 - ___ Condominium Association By-laws
 - ___ Master Deed
 - ___ Certificate of Formation for Condominium Association
 - ___ Other

_____ Resolution of Need from Municipality* (may be included in municipal resolution granting payments in lieu of taxes) The Sponsor must obtain a resolution of need from the municipality or a municipal ordinance and letter from the municipal clerk authorized under the provisions of P.L.2024, c.5, in which the project will be located reciting that there is a need for the particular housing project in that municipality.

Not applicable 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.

_____ Financing Commitments (*evidence for any and all sources included in underwriting*)

_____ Preliminary CNA, Scope of Work (*Preservation projects only*)

_____ ALL 4% and 9% LIHTC applications involving the development of new affordable units, including 100% affordable, mixed-income and mixed-use development, must undergo an Inclusionary Review. Applicants are strongly encouraged to complete Step #1 in advance of submitting an application for either Agency financing and/or LIHTC. In the event Step #1 is not completed prior to submission, the Inclusionary Review must be completed as part of the application review. (if applicable)

Provide a status of your Inclusionary Review Submission. The Agency reserves the right to require the Inclusionary Review Submission prior to the project advancing to a Declaration of Intent.

CONSTRUCTION DOCUMENTS:

_____ Preliminary Drawings, (if applicable) Unit/Building Matrix for Rehabs

SPECIAL NEEDS ONLY REQUIREMENTS:

_____ Supportive Services Plan (Multifamily)
_____ Evidence of Source of Rental Assistance (Letter of award, if available)
_____ NJ Dept. of Human Services Project Support Letter
_____ Home Inspection Report (for purchase of single family homes)
_____ Opinion from Sponsor's Counsel that property acquired may be leased to the tenant population (for properties (condominiums/townhomes) with homeowner associations)

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

_____ Site Inspection Report

_____ Board Resolution for Declaration of Intent

____ Declaration of Intent Letter

II. REQUIREMENTS FOR MORTGAGE COMMITMENT

SPONSOR:

- ____ Appraisal
- ____ Updated Appraisal/Market Study, (If applicable)
- ____ Certification for the WBE and Affordability for AHPF, UPP or WHP, if applicable.
- ____ Organizational Structure Chart for Sponsor/Borrower and Managing Entity,
- ____ Formation Certificate for Sponsor/Borrower and Managing Entity, as applicable
(Advise NJHMFA prior to formation if contemplating an Urban Renewal entity N.J.S.A. 40A:20-1 et seq.) (*New Jersey Secretary of State Authorization to do Business in New Jersey for any Out-of-State Sponsoring Entity*). Submit for borrowing entity and all entities owning 10% or greater interest in the borrowing entity represented in the Organizational Structure Chart.
 - ____ Certificate of Limited Partnership (Partnership)
 - ____ Certificate of Formation (Limited Liability Company)
 - ____ Certificate of Incorporation (Corp.)
 - ____ Certificate of Formation for Managing Member, if applicable
 - ____ Certificate of Formation for Investor Member, if applicable
- ____ Corporate Certification and Questionnaire. Submit for borrowing entity all entities owning 10% or greater interest in the borrowing entity represented in the Organizational Structure Chart.
 - ____ Sponsoring Entity/Borrower
 - ____ General Partner (Limited Partnership)
 - ____ Managing Member (Limited Liability Company)
 - ____ Other entity owning 10% or greater interest in sponsoring entity
 - ____ Updating Affidavit for Questionnaire, if applicable
- ____ Personal Questionnaire for Directors and Officers of Sponsoring Entity/Borrower, Individuals Serving as General Partner or Managing Member, and any individual owning 10% or greater interest in sponsoring entity, or in the General Partner or Managing Member entity* (*For non-profit entities controlled by a Board of Directors, Personal Questionnaires should be provided for any officer of the Board.*)
 - ____ Updating Affidavit for Questionnaire, if applicable
- ____ Criminal Background Check for Directors and Officers of Sponsoring Entity/Borrower, Individuals Serving as General Partner or Managing Member, and any individual owning 10% or greater interest in sponsoring entity, and General Partner or Managing Member entity* (*Any individual submitting a Personal Questionnaire must submit a Criminal Background Check. For non-profit entities controlled by a Board of Directors, Criminal*

Background checks should be provided for any officer of the Board.)

(Search results are valid for 18 months from date received.)

NOTE: Background checks must be sent via regular US mail, overnight courier or hand-delivered.

_____ ASTM E1527 Phase I Environmental Site Assessment, or NJDEP Preliminary Assessment, pursuant to N.J.A.C. 7:26E-3.2.

In addition, the following are required for Existing Structures:

- _____ Lead Based Paint Report/Removal plan
- _____ Asbestos Containing Materials Report/Remediation plan
- _____ Radon testing/Remediation plan
- _____ Other Remediation: Specify:

_____ ASTM E1903 Phase II Environmental Site Assessment (if applicable)

_____ Resolution Granting Preliminary AND/OR Final Site Plan Approval, Subdivision and Any Zoning Variances from Municipality and County, if applicable. *Special Needs Only projects, refer to Special Needs Program document checklist requirements.*

_____ Street Vacation Ordinances (Ordinance with Proof of Publication), (if applicable)

_____ NJSHPO Historic Preservation Approval or Non-applicability Determination, if applicable.

_____ Municipal Resolution Granting Payments in Lieu of Taxes* (PILOT) **aka Tax Abatement Resolution or Ordinance**, (if applicable)

- _____ Agency statute is N.J.S.A. 55:14K-37.
- _____ The long-term Tax Abatement falls under N.J.S.A. 40A:20-1 *et seq.*
- _____ OTHER

_____ Agreement for Payment in Lieu of Taxes* (PILOT) **aka Tax Abatement Agreement**, (if applicable)

_____ Financing Commitments from Other Funding Sources (*List All*) (*may need updates from DOI*)

- _____ Equity Commitment
- _____ Other:

_____ Confirmation the Inclusionary Review Process has been completed and approved by HMFA (if applicable)

_____ Evidence of Rental Assistance , if applicable

_____ Affirmative Fair Housing Marketing Plan* (*N/A for Special Needs only projects*)

_____ Housing Resource Center (“HRC”) registration of project entity
(*N/A for Special Needs only projects*)

TAX CREDIT GREEN REQUIREMENTS:

- _____ Pre-Construction Authorization Letter (*consult with Technical Services for specific requirements*)

CONSTRUCTION DOCUMENTS:

- _____ Detailed Narrative Scope of Work (Note: Any changes made to the scope of work must be approved by NJHMFA)
- _____ Detailed Trade Payment Breakdown on AIA Form 703 (Schedule of Values) signed by General Contractor and based on the Final Contract Drawings (NOTE: Any changes to the Trade Payment Breakdown must be approved by NJHMFA.)

Architect/Engineer Documents:

- _____ Personal Certification and Questionnaire for Architect of Record *
Updating Affidavit for Questionnaire if more than 18 months
- _____ Corporate Certification and Questionnaire for Architectural Firm*
Updating Affidavit for Questionnaire if more than 18 months
- _____ Criminal Background Check for Architect of Record* (***Search results are valid for 18 months from date received.***)
NOTE: Background checks must be sent via regular US mail, overnight courier or hand-delivered.
- _____ AIA form of Architect's Contract with Agency Addendum attached. ***If there is HUD financing in the deal then the Agency defers to the HUD form of document.***
- _____ **Pre-submission meeting** 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.
- _____ **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;
 - o Mechanical/Electrical/Plumbing (MEP) Drawings;
 - o Structural Drawings;
 - o Fire Alarm/Suppression Drawings;

- All required construction details; and,
- A detailed project cost estimate by trade.

____ **Architect's Certification and Drawing List**

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, and **issued for construction**. Attach List of submitted drawings, manuals, etc.

____ Architect's Errors and Omission Policy/Certificate of Insurance (naming NJHMFA as Certificate Holder)

____ Geotechnical Engineering Report (Soils Test), if applicable

____ Survey (*1 Signed & Sealed Original & 1 Signed & Sealed Electronic Copy 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.

____ Confirmation of Availability of Utility Services (electric, gas, water, sewer) (Letters should be within at least 6 months of anticipated Agency commitment, if applicable)

____ Letter from Utility Companies

____ Letter from Utility Company confirming that individual metering systems will be installed within a meter room in the building, if applicable to the project type.

Contractor Documents:

____ Certificate of Formation for Contractor (*NJ Secretary of State Authorization to do Business in New Jersey for Out-of-State Contractor, if applicable*)

____ Good Standing for Contractor (current within 30 days of anticipated **bond sale/closing**)

____ Corporate Certification and Questionnaire for Contractor*
Updating Affidavit for Questionnaire if more than 18 months

____ Personal Certification and Questionnaire for Officers, Directors of Contractor and Individuals with Management Control, and individuals owning 10% or greater interest in contracting entity* (*Updating Affidavit for Questionnaire if more than 18 months*)

____ Criminal Background Check for Contractor's Officers, Directors and Individuals with Management Control, and individuals owning 10% or greater in contracting entity*
(Search results are valid for 18 months from date received.)

NOTE: Background checks must be sent via regular US mail, overnight courier or hand-delivered.

_____ Executed AIA form of Construction Contract* with Agency Addendum attached.

(Note: Federal (Davis Bacon) prevailing wages must be paid for those projects receiving CDBG funds. Evidence of payment of Davis-Bacon wages must be included in the construction contract.)

If there is HUD financing in the deal then the Agency defers to the HUD form of document.

_____ Evidence of ability to obtain Construction Guarantee:

Agency Construction Financing: 100% Payment & Performance Bond naming Sponsor and NJHMFA as Obligees is required.

For Agency Permanent Financing (or Permanent Conversation for C/P): Sponsor has the option of providing a 10% Letter of Credit OR 30% Warranty Bond in lieu of Payment and Performance Bond.

Note this guarantee will be required to exist for a period of two years post construction completion as determined by the Certificate of Occupancy date or Architect's Certificate of Substantial Completion, whichever is later.

SPECIAL NEEDS ONLY REQUIREMENTS:

_____ Supportive Services Plan approval, if applicable

_____ NJ Dept. of Human Services funding **and** Approval

_____ NJHMFA Approval - Multifamily

_____ Other

_____ HUD Fund Reservation Letter/Commitment/Site Approval

_____ Executed Social Service Agreement

_____ Letter from zoning officer confirming property is zoned for intended use OR appropriate local resolutions, OR letter from Sponsor's counsel confirming appropriate local zoning for the project.

_____ Evidence of Registration with New Jersey Division of Consumer Affairs pursuant to N.J.S.A. 56:8-136, et seq.(registration number), if applicable

_____ Special Needs Design Application Checklist

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

_____ Board Resolution with Bond Documents, (If applicable)

_____ Board Resolution Authorizing Mortgage Commitment and Commitment Proforma/Cash Flow (Agency Form 10)*, (If applicable)

_____ Commitment Letter and Indemnification Deposit (Commitment Letter to be executed by Sponsor and returned with Deposit within 10 days of mortgage commitment)*, (If applicable)

_____ Board Resolution Authorizing Mortgage Re-Commitment and Re-Commitment Proforma/Cash Flow (Agency Form 10)*, (If applicable)

_____ Re-Commitment Letter and Re-Commitment Fee (Re-Commitment Letter to be executed by Sponsor and returned with Fee within 10 days of mortgage re-commitment)*, (If applicable)

III. TAX CREDIT PROJECT RATE LOCK PROGRAM

REQUIREMENTS FOR THE 9%

- ___ Rate Lock Information Sheet
- ___ Receipt of Rate Lock Fee
- ___ Executed Rate Lock Agreement
- ___ Rate Lock Personal Guaranty

REQUIREMENTS FOR THE 4%

- ___ Rate Lock Information Sheet
- ___ Receipt of Rate Lock Fee
- ___ Bond Counsel Questionnaire
- ___ The completed submission will have to be reviewed and approved by our bond/tax counsel before the Agency can move forward at all with the 4% rate lock.
- ___ Executed Rate Lock Agreement
- ___ Rate Lock Personal Guaranty

IV. ADDITIONAL REQUIREMENTS FOR INCLUSION IN A BOND SALE

NOTE: If the project will not receive bond funds, the following items will be required for closing in addition to the items noted in Section V of this checklist.

SPONSOR:

- ___ Current Operations Agreement for, as applicable:
 - ___ Sponsoring Entity (By-laws: Corporation; Partnership Agreement: Limited Partnership; Operating Agreement: Limited Liability Company. Must contain NJHMFA Statement.)
- ___ DRAFT Operating Agreement with all Exhibits attached for Sponsoring Entity as it will exist once Limited Partner investor/Investor Member is included. Must contain NJHMFA Statement.
- ___ Certificate of Good Standing - Current within 30 days of **bond sale and/or closing**
 - ___ Borrower
 - ___ Managing Member/General Partner
 - ___ Investor Member
 - ___ OTHER members over 10%

- ___ Certificate of Formation for LIHTC Investor
- ___ Evidence of Availability of Tax Credits
 - ___ 42M Letter (for projects using 4% tax-exempt financing) OR
 - ___ Reservation Letter (for projects awarded 9% competitive tax credits)
 - ___ Carryover Allocation or Binding Forward Commitment or 8609
- ___ Sales Tax Exemption, (If applicable) (*Application will not be processed until project has been committed and veto period has expired*)
- ___ Evidence of Perfection of Subdivision (recorded subdivision deeds or filed subdivision map), if applicable.
- ___ Title Insurance Commitment and Title Related Requirements (bond sale and closing) (updates required for closing)
*Commitments needed for each Agency or Agency administered loan closing and must be on an ALTA approved form. **NOTE:** Affirmative insurance is required for any exceptions in commitment that will remain at the time of closing and only as approved by the Agency. Certification to be in New Jersey Housing and Mortgage Finance Agency its successor and or assigns as their interest may appear.*
 - ___ Tax Search
 - ___ Assessment Search
 - ___ Municipal Water/Sewer Utility Search
 - ___ Evidence of payment of taxes, if applicable
 - ___ Evidence of payment of utilities, if applicable
 - ___ Judgment Search
 - ___ Sponsoring Entity
 - ___ General Partner(s)/Managing member(s)
 - ___ Corporate Status and Franchise Tax Search, if applicable
 - ___ Tidelands and Wetlands Search
 - ___ Flood Hazard Area Certification
 - ___ Closing Protection Letter for Title Agency Officer Attending Closing
 - ___ Survey Endorsement insuring final survey without exceptions
 - ___ Copies of All Instruments of Record
 - ___ First Lien Endorsement, (and/or Second Lien, etc.) if applicable
 - ___ Gap Endorsement Coverage or acceptable language in lieu of
 - ___ 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
 - ___ Title Rundown Letter (FOR CLOSING ONLY NOT BOND SALE)

- _____ Filed Notice of Settlement (FOR CLOSING ONLY NOT BOND SALE) (*Valid for 60 days*)
- _____ Construction Draw Schedule with Order of Draw*
- _____ Final Site Plan Approval, (If applicable)
- _____ Construction Contract with current prevailing wages attached* if not previously provided or if changed from first contract submitted.
- _____ Construction Permits (or letter that construction permits will be issued but for payment of fee)
- _____ Cash for Negative Arbitrage and/or Cost of Issuance (**at time of Bond Sale Only**)
Multifamily and Capital Markets prepare/provide this letter. LC only needs a copy.
- _____ Attorney Opinion Letter for bond sale* (**Bond Sale Only**) **With Construction and permanent Financing Agreement.**

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

- _____ Bond Letter with Bond Proforma/Cash Flow (Agency Form 10)* (**at time of Bond Sale Only**)
- _____ Construction and Permanent Financing Agreement* (*prepared by paralegal*) (**at time of Bond Sale Only**)
- _____ Satisfaction of Agency Board Commitment Requirements, if any, unless specifically noted as loan closing requirements.
- _____ Credit Officer to Circulate TEFRA Sheet to Borrower (*tax-exempt projects only*)
- _____ Confirmation from Bond Counsel for Pooled Issuance:
 - _____ Owners Tax Certificate (Applicable to Tax-Exempt Bond Financing Only) (original to go to Bond Counsel, copy to the Agency)
 - _____ TEFRA Certification* (TEFRA Sheet) (*tax-exempt projects only*)

V. CLOSING REQUIREMENTS

(All items are due at least two weeks before anticipated closing date.)

All numbers, including draw schedules and a final Form 10 must be completed no later than 72 hours prior to closing. In the event the numbers change on the Form 10, draw schedule, or any other numbers change within 72 hours of the scheduled closing, then the closing will be rescheduled.

SPONSOR:

- _____ Contractor's Liability Insurance Certificate (naming Sponsor and NJHMFA as Additional

Insured).

- ____ **Rack Set / Final Contract Drawing and Specifications** - Prior to the beginning of construction, one full-size, construction-ready, a permit approved set including civil drawings, signed and sealed by the architect, must be submitted electronically in PDF format.
- ____ FINAL Executed Operations Agreement with all Exhibits attached for Sponsoring Entity (Final needed at Closing) **assigned paralegal can provide required HMFA language**
 - ____ Partnership Agreement (LP) with HMFA Statement
 - ____ Operating Agreement (LLC) with HMFA Statement
 - ____ By Laws (Corporation) with HMFA Statement
- ____ Dedicated Construction Checking Account:
 - ____ Sponsor Resolution to Open Construction Bank Account to include signature line for NJHMFA
 - ____ Bank Account Signature Cards
 - ____ Checks and Wiring Instructions for Construction Bank Account (must be verified by the sponsor)
- ____ Copies of Loan Documents from other funding sources, (If applicable)
- ____ Written confirmation from investor that investment/syndication closing conditions have been fully satisfied and investor is prepared to proceed to closing, if applicable.
- ____ Insurance Policy (naming NJHMFA as First Mortgagee, Lender Loss Payable and Additional Insured) – original policy with paid receipt evidencing payment of all premiums for first year in advance; must meet NJHMFA insurance specifications. **PLEASE NOTE: The Agency's Insurance Division requires a full 30 days to review insurance submissions. Please keep this in mind when anticipating a closing date.** *(Note that an insurance certificate is not sufficient to meet this requirement. If a full insurance policy is temporarily unavailable, closing may occur if a letter is submitted from the insurance provider (not the broker) confirming that the insurance agent has the authority to bind the provider insuring the project under the Cert. of Insurance.)*
- ____ Final Site Control - Deed Evidencing Title in Sponsor's Name (if applicable) **(If Ground Lease – Fully Executed Ground Lease and SNDA, if applicable)**
- ____ Attorney Transactional Documents
 - ____ Counsel Opinion from Sponsor, Attorney* **for loan closing.**
 - ____ Seller's Affidavit of Title and Corporate Resolution to Sell (if applicable)
 - ____ Mortgagor's and/or Grantee's Affidavit of Title*
 - ____ Resolution to Borrow*/Resolution to Accept Grant Funds*, as applicable
- ____ Payoff Letter for Any Mortgages or Other Liens to be Discharged (Multifamily)
- ____ CPA Engagement Agreement*, *(N/A for Special Needs only projects)*

- _____ Closing Bills: invoices for payment; paid invoices and cancelled checks for reimbursement (Multifamily)
- _____ W-9 Escrow Account forms* and SS4 for Borrower/Project Entity/Buyer and for each vendor
- _____ New Jersey Division of Taxation Tax Clearance Certificate (for Borrower)
Questions may be directed to 609-292-9292 or via email at [Premier Services Registration](#).
(Valid for 180 days)
- _____ Housing Resource Center (“HRC”) registration of project. *(N/A for Special Needs Only projects)*
- _____ Other Regulatory Approvals, if applicable:
 - _____ NJ DEP Treatment Works Approval (Sewer), if applicable
 - _____ Wetlands Approval, if applicable
 - _____ CAFRA Approval
 - _____ Pinelands Approval, if applicable
 - _____ Approval(s) from Municipal/County/State Authority, if applicable
- _____ Executed Rental Assistance Agreements, if applicable
- _____ Construction Guarantee:

Agency Construction Financing: 100% Payment & Performance Bond naming Sponsor and NJHMFA as Obligees is required.

For Agency Permanent Financing (or Permanent Conversation for C/P): Sponsor has the option of providing a 10% Letter of Credit, 30% Warranty Bond in lieu of Payment and Performance Bond.

Note this guarantee will be required to exist for a period of two years post construction completion as determined by the Certificate of Occupancy date or Architect’s Certificate of Substantial Completion, whichever is later. For Special Needs Only projects, refer to Special Needs Program document checklist requirements.

A.M. Best Rating for Surety Provider:_____

SPECIAL NEEDS ONLY REQUIREMENTS:

- _____ Sponsor must acknowledge that they have read all applicable requirements for the Dedicated Construction Checking Account (“DCCA”): *(these procedures do not apply to CDBG/Sandy funds)*
- _____ Funds can only be used to pay for work completed or services rendered. The funds cannot be advanced to the borrower. Funds will only be paid directly to the borrower for reimbursement for expense paid, all vendor payments will be deposited DCCA.
- _____ DCCA must be established prior to closing. All fund related to project expenses will be run via the DCCA. The total amount of each monthly draw will be wired/deposited into the DCCA after the Agency has reviewed/approved. Agency will require the project submit a copy of the canceled check(s) as proof that each vendor(s) has been paid. This information must be submitted as part of the next draw.
- _____ Borrowers will receive an email from the Finance Dept. when a draw request is approved and the funds are deposited into the DCCA. The borrower must email the Agency confirmation that the project is in receipt of the funds.

____ It is the Borrowers responsibility to issue 1099's to vendors paid from the DCCA.

NJHMFA:

- ____ Satisfaction of Agency Board Commitment Closing Requirements, if any.
- ____ Closing Proforma/Cash Flow (Agency Form 10)* **Please note that a closing date will not be scheduled until a Closing Form 10 has been finalized with the Agency.**
- ____ Final Source & Uses Acknowledgement
- ____ Closing Statement
- ____ Receipt of Other Funding Sources, if applicable
- ____ Loan Documents*
- ____ Financing, Deed Restriction and Regulatory Agreement
- ____ Mortgage Note
- ____ Mortgage & Security Agreement
- ____ UCC-1 Financing Statements
- ____ Assignment of Syndication Proceeds signed by Investor and Sponsor, if applicable
- ____ *For Scattered Site projects only: Guaranty for loan repayment for Scattered Site projects, if applicable*
- ____ Other: _____
- ____ Written confirmation that all requirements for Tax Credits have been received. This includes payment of all required fees. (If applicable for Tax Credits)

VI. POST-CLOSING OR PERMANENT CLOSING IF CLOSED ON SUBSIDY DURING CONSTRUCTION

SPONSOR:

- ____ Evidence of completion of Environmental Remediation Plans, if applicable
- ____ Title Policy **and** Recorded Loan Documents (Post Closing)

If the project closed SNHTF at construction and Agency's traditional financing is Permanent, you will need revisions to these items:

- ____ Updates to any date sensitive documentation, including (*N/A if Conversion Only*):
- ____ Tax Clearance Certificate
- ____ Criminal Background Checks
- ____ Certificate of Good Standing for all entities, as required
- ____ Filed Notice of Settlement (*Valid for 60 days prior to closing*)
- ____ Title Commitment (see list in section in section IV)
- ____ Attorney Opinions / Resolutions to Borrow / Affidavit of Title
- ____ Other:
- ____ Management Agreement Package* for Asset Management (*in triplicate*) Forms available

on NJHMFA website: <http://www.state.nj.us/dca/hmfa> - as applicable

_____ Self-Managed (NJHMFA form MD 103.2)

_____ Broker Managed (NJHMFA form MD 103.1)

_____ Certificate of Occupancy covering all units, *if applicable*

_____ DCA Owner's (Building) Registration, if applicable (if not provided in Property Management's Management Agreement Package, or for existing building)

_____ Final As-Built Survey (1 PDF sealed originals certified to Sponsor, NJHMFA and Title Insurance Company showing as-built condition of property including location of all buildings), (If applicable)

_____ Final As-Built Drawings & Specifications, ***must be submitted electronically in PDF format***, (If applicable)

_____ Architect's Certificate stating that all warranties and maintenance manuals have been delivered to and received by the Sponsor, (If applicable)

_____ Architect's Certificate of Substantial Completion (AIA form), *If applicable.*

_____ Permanent Term Guarantee:

For Agency Permanent Financing (or Permanent Conversation for C/P): Sponsor has the option of providing a 10% Letter of Credit OR 30% Warranty Bond in lieu of Payment and Performance Bond. *Note this guarantee will be required to exist for a period of two years post construction completion as determined by the Certificate of Occupancy date or Architect's Certificate of Substantial Completion, whichever is later. For Special Needs Only projects, refer to Special Needs Program document checklist requirements.*

A.M. Best Rating for Surety Provider: _____

_____ Insurance Policy Approval from Agency's Insurance Division.

<https://www.state.nj.us/dca/hmfa/media/download/insurance/>

_____ 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.**

_____ Releases from all subcontractors* ([for subcontracts valued at \\$10,000 and/or above](#)), if applicable. Verified List of Subcontractors, **which needs to list the following: Name of Subcontractor, Amount Paid and the Last Date worked on Site.**

TAX CREDITS GREEN REQUIREMENTS:

_____ Post-Construction Authorization Letter (*consult with Technical Services for specific requirements*)

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

_____ Project Description including Supportive Services Plan

_____ Evidence of Property Management Agent Agreement (*Special Needs form*)

NJHMFA:

_____ Closing Proforma/Cash Flow (Agency Form 10)* **Please note that a closing date will not be scheduled until a Closing Form 10 has been finalized with the Agency.**

_____ Final Source & Uses Acknowledgement

_____ Closing Statement

_____ Receipt of Other Funding Sources, if applicable

_____ Loan Documents* for Permanent loan closing. (*If conversion of C/P loan this is N/A*)

_____ Financing, Deed Restriction and Regulatory Agreement

_____ Mortgage Note

_____ Mortgage & Security Agreement

_____ UCC-1 Financing Statement

_____ Assignment of Syndication Proceeds signed by Investor and Sponsor, if applicable

_____ Disbursement Agreement, if applicable

_____ Escrow Closing Agreement, if applicable

_____ Tax Credit Deed of Easement and Restrictive Covenant (*prepared by Tax Credits*)

_____ Errors and Omissions Statement

_____ Other: _____

_____ Attorney Transactional Documents

(*If conversion of C/P loan this is N/A*)

_____ Counsel Opinion from Sponsor, Attorney* **for loan closing.**

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

_____ Mortgagor's and/or Grantee's Affidavit of Title*

_____ Resolution to Borrow*/Resolution to Accept Grant Funds*, as applicable

VII. FINAL MORTGAGE CLOSEOUT

SPONSOR:

_____ Title Policy **and** Recorded Loan Documents (Post Closing)

_____ Consent of Surety to final payment to Contractor (AIA form), if applicable

_____ Sponsor's Development Cost Audit (or audit document as otherwise approved by the Agency **(Audit must be submitted within (6) six months from construction completion and must be in final form)** (*Special Needs Projects form of Audit required*))