




USDA United States Department of Agriculture
Rural Development

Combination Construction and Permanent Loan

Single Family Housing Guaranteed Loan Program

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Training Objectives

- Where is the topic located?
 - * 7 CFR Part 3555 and HB-1-3555
- Learning Checks
- Resources

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Things change!

- Every effort has been made to ensure training references are accurate at the time of publication.
- Always reference the most recent USDA publications available online.

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Guaranteed Loan Program Regulation

7 CFR Part 3555

- The regulation is the rule!
- 8 Subparts: A – H
- Appendix 1

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7 CFR Part 3555

<http://www.rd.usda.gov/publications/regulations-guidelines>

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Rural Development

- Administrative Notices
- Instructions
- Forms
- Spanish Forms, Form Letters and Guide Letters
- Handbooks
- Procedures Notices
- Significant Guidance Documents
- Unnumbered Letters
- Federal Register Publications

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7 CFR Part 3555

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Handbooks

- HB-1-3550 Direct Single Family Housing Loans and Grants - Field Office Handbook
- HB-2-3550 Direct Single Family Housing Loans and Grants - Centralized Servicing Center Handbook
- HB-4-3555 SFH Guaranteed Loan Program Technical Handbook**
- HB-1-3560 MFH Loan Origination Handbook
- HB-2-3560 MFH Asset Management Handbook
- HB-3-3560 MFH Project Servicing Handbook
- HB-1-3565 Guaranteed Rural Rental Housing Program Origination and Servicing Handbook
- Application Information Systems Support Handbook
- HB-1-3550 Direct Single Family Housing Loans and Grants - Field Office Handbook

HB-4-3555 SFH Guaranteed Loan Program Technical Handbook

Table of Contents


- Chapter 1 - Overview
- Chapter 2 - Record Retention
- Chapter 3 - Lender Approval
- Chapter 4 - Lender Responsibilities
- Chapter 5 - Origination and Underwriting Overview
- Chapter 6 - Loan Purposes
- Chapter 7 - Loan Terms and Conditions
- Chapter 8 - Applicant Characteristics
- Chapter 9 - Income Analysis
- Chapter 10 - Credit Analysis
- Chapter 11 - Ratio Analysis
- Chapter 12 - Property and Appraisal Requirements
- Chapter 13 - Special Property Types
- Chapter 14 - Funding Priorities
- Chapter 15 - Submitting the Application Package
- Chapter 16 - Closing the Loan and Requesting the Guarantee
- Chapter 17 - Regular Servicing-Performing Loans
- Chapter 18 - Servicing Non-Performing Loans - Accounts with Repayment Problems
- Chapter 19 - Custodial and Real Estate Owned Property
- Chapter 20 - Loss Claims - Collecting on the Guarantee

Acronyms

Glossary

- Appendix 1 - 7 CFR part 3555
- Appendix 2 - Forms and Instructions
- Appendix 3 - Review and Appeals
- Appendix 4 - Agency and Employee Addresses
- Appendix 5 - Income Limits
- Appendix 6 - Interest Assistance
- Appendix 7 - Calvis Access Instructions
- Appendix 8 - EDI Documentation
- Appendix 9 - Penalties
- Appendix 10 - Unnumbered Letter and State Supplements

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7 CFR Part 3555

Subpart C: Loan Requirements

- .101: Loan Purposes
- .102: Loan restrictions
- .103: Maximum loan amount
- .104: Loan terms
- **.105: Combination construction and permanent loans**
- .107: Application for and issuance of loan guarantee
- .108: Full faith and credit

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7 CFR Part 3555

3555.105 Combination construction and permanent loans.

- (a) Lender requirements.
- (b) Contractor or builder requirements.
- (c) Use of loan funds.
- (d) Terms.
- (e) Mortgage file documentation.
- (f) Loan Note Guarantee.
- (g) Unplanned changes during construction.
- (h) Reservation of funding.

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7 CFR Part 3555: 3555.105(a)

Lender requirements

- Two years experience in construction lending
- Approve builders for this program
- Distribute escrow funds for eligible construction purposes
- Obtain documentation of complete construction

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7 CFR Part 3555: 3555.105(b)

Contractor or builder requirements

- Two years of SFH construction
- Acceptable State licensing and liability insurance
- Acceptable credit and no criminal history
- Contractors may not build their own residence

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7 CFR Part 3555: 3555.105(c)

Use of loan funds

- SFH homes, including manufactured and site condos
- Eligible purposes: lot, customary new construction costs, contingency reserves, landscaping costs
- Loan funds remaining at construction completion are applied as a principal reduction

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7 CFR Part 3555: 3555.105(d)

Terms

- Interest rate is locked prior to or at loan closing, 3555.104
- Appraisal of proposed project determined maximum loan amount
- Annual fees accrue the month after loan closing
- Interest on loan is due monthly: borrower or contingency reserve
- Reserve account may also pay real estate taxes/insurance/annual fees
- Scheduled payments post loan closing may be postponed up to one year if necessary
- Loan is modified and re-amortized within remaining term upon construction completion

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7 CFR Part 3555: 3555.105(e)

Mortgage file documentation

- Standard credit and income verifications
- Cost to construct, ownership of land, record of construction draws/completion, closing costs, lien requirements, inspections/warranties, and loan modification agreement

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7 CFR Part 3555: 3555.105(f)

Loan note guarantee

- Issued after loan closing
- Prior to construction
- Eligible for sale to mortgage backed securities or participating investor
- REDUCED RISK TO LENDER

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7 CFR Part 3555: 3555.105(g)

Unplanned changes during construction

- Borrower unable to continue with loan (loss of job, etc.)
- Lender completes construction, sells property, files loss claim if applicable

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7 CFR Part 3555: 3555.105(h)

Reservation of funding

- USDA may limit the number of units a builder may construct

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Guaranteed Loan Program Technical Handbook HB-1-3555

- Provides guidance to support the regulation
- HB-1-3555 is not the rule
- 20 Chapters

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HB-1-3555

HB-1-3555 SFH Guaranteed Loan Program Technical Handbook

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HB-1-3555:


SECTION 7: COMBINATION CONSTRUCTION PERMANENT LOANS

- 12.13 SINGLE-CLOSE FEATURES
- 12.14 LENDER REQUIREMENTS
- 12.15 CONSTRUCTION CONTRACTOR-BUILDER REQUIREMENTS
- 12.16 ELIGIBLE LOAN COSTS
- 12.17 PLAN AND THERMAL CERTIFICATIONS
- 12.18 APPRAISALS
- 12.19 BUILDER WARRANTY
- 12.20 LOAN APPROVAL PROCESS
- 12.21 LOAN CLOSING
- 12.22 AGE O DOCUMENTS
- 12.23 ISSUANCE OF THE LOAN NOTE GUARANTEE
- 12.24 CONSTRUCTION DRAWS
- 12.25 CHANGE ORDERS
- 12.26 INTEREST DURING CONSTRUCTION
- 12.27 CASH BACK TO BORROWER
- 12.28 MORTGAGE FILE DOCUMENTATION
- 12.29 UNPLANNED CHANGES DURING CONSTRUCTION

ATTACHMENT 12- DETERMINING ELIGIBLE AREAS USING THE PUBLIC WEBSITE
 A:
 ATTACHMENT 12- RURAL DEVELOPMENT CONDOMINIUM CERTIFICATION
 B:
 ATTACHMENT 12- PROJECT REVIEW
 C:
 ATTACHMENT 12- APPROVED LENDER CERTIFICATION – Completion of New
 D: Construction

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TIPS

- Underwriter = USDA Approved Lender
- USDA = not an underwriter
- Research Rule & HB questions: Table of Contents
- Research Rule & HB questions: Control + F


7 CFR Part 3555

supplemental social security income and Social Security benefits received in a lump sum.

(vii) Any earned income tax credit.

(viii) Adoption assistance in excess of any amount determined pursuant to HUD's definition of annual income at 24 CFR 5.609(c);


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7 CFR PART 3555 / HB-1-3555 LEARNING CHECKS

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Question Slide

“Topic”

- Question will be bulleted with scenario, or
- Include a statement/question

TRUE/FALSE or other answer options will be displayed

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ANSWER SLIDE

“Topic”
ANSWER: 7 CFR Part 3555 and HB-1-3555 references provided

X. Correct Response

- Additional guidance for clarification may be provided


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LET'S GET STARTED.

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Combination construction and permanent loans

Lenders that originate combination construction to permanent loans must have ____ years experience in administering construction lending.

A. Two B. Five

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Combination construction and permanent loans

ANSWER: 3555.105(a)(1), HB 12.14

A. Two

- Origination and administration of construction loans

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Combination construction and permanent loans

USDA will review and approve all lenders and builders for the combination and permanent construction loan program.

A. TRUE B. FALSE

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Combination construction and permanent loans

ANSWER: 3555.105(a)(1)(3), HB 12.14

B. FALSE

- Lenders must ensure they meet lender requirements
- Lenders must ensure builders/contractors meet requirements of 3555.105(b)

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Combination construction and permanent loans

At loan closing the following will be dispersed:

- Cost of lot/payoff of existing lot loan
- 20% of construction costs to builder

A. TRUE B. FALSE

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Combination construction and permanent loans

ANSWER: 3555.105(a)(4), HB 12.13

B. FALSE

- The lot may be paid in full
- No seasoning requirement on lot/land
- Remaining funds must be deposited into an escrow account

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Combination construction and permanent loans

A contingency reserve may not exceed ____ % of the cost of construction.

A. 10% B. 15%

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Combination construction and permanent loans

ANSWER: 3555.105(c)(2)(ii), HB 12.16

A. 10%

- Reserve is for unplanned issues
- 10% of construction costs (labor, materials, soft costs)
- Reserve funds must be deposited in the construction escrow account

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Combination construction and permanent loans

- There is a shortage of the hardwood floor to complete the kitchen
- The cost to buy more is \$850
- The contingency reserve may be used to pay the \$850

A. TRUE B. FALSE

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Combination construction and permanent loans

ANSWER: 3555.105(c)(2)(ii), HB 12.16 and 12.25

A. TRUE

- Contingency reserves are for unplanned construction problems
- Borrowers are responsible for cost overruns due to change orders

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Combination construction and permanent loans

Construction costs: \$133,500
What is the maximum amount of an eligible contingency reserve fund?

A. \$20,025 B. \$13,350

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Combination construction and permanent loans

ANSWER: 3555.105(c)(2)(ii), HB 12.16

B. \$13,350

- Contingency reserve accounts are limited to 10% of the construction costs
- Appraised value must support the inclusion of the reserve account

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Combination construction and permanent loans

The final loan amount will be determined after construction is done and an appraisal is completed.

A. TRUE B. FALSE

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Combination construction and permanent loans

ANSWER: 3555.105(c), HB 12.18

B. FALSE

- Appraisal is completed prior to loan closing
- Proposed project is reviewed by appraiser to determine completed value

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Combination construction and permanent loans

The builder may provide the following as an acceptable warranty:

- One year builder's warranty
- Insured 10 year builder's warranty, acceptable to USDA

A. TRUE B. FALSE

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Combination construction and permanent loans

ANSWER: 3555.105(3)(6), HB 12.19

A. TRUE

- Warranty required per 3555.202(a)
- Warranty must meet HB 12.9 B

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Combination construction and permanent loans

Which of these statements is false:

- Loan term may not exceed 30 years
- Interest rate must be locked prior to or at loan closing
- Construction Rider/Allonge to note is not required
- Construction loan agreement required

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Combination construction and permanent loans

ANSWER: 3555.105(e), HB 12.21

C. Construction Rider/Allonge to Note is not required

- Construction Rider/Allonge to Note IS required
- Any form acceptable to the lender
- State all special construction terms end at the time of conversion to a permanent loan

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Combination construction and permanent loans

- Loan amount closed: \$189,500
- Loan reamortized upon construction completion
- \$3,567 remains in escrow account

A. Borrower may receive \$3,567 back
B. \$3,567 must be applied as principal reduction

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Combination construction and permanent loans

ANSWER: 3555.105(c)(3), HB 12.21

B. \$3,567 must be applied as principal reduction

- Loan funds may not be returned to the borrower
- Exception: If the remaining funds represent money put into the loan from the borrower's own funds, the remaining funds may be returned to the borrower

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Combination construction and permanent loans

- Final inspection completed June 15th
- Amortization must begin the 1st of the month following ___ days of final inspection

A. 90 B. 60

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Combination construction and permanent loans


ANSWER: 3555.105(d)(6), HB 12.21

B. 60

In this example:

- Final inspection completed June 15th
- Amortize the final loan amount before August 14th
- First payment due: September 1st

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Combination construction and permanent loans

- Loan closed: \$195,250
- Final loan amount reamortized: \$194,500
- The annual fee must be recalculated at the time of loan modification

A. TRUE B. FALSE

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Combination construction and permanent loans

ANSWER: 3555.105(d)(3), HB 12.21

B. FALSE

- Annual fee is determined at loan closing
- Payment of the annual fee begins the month after loan closing
- Loan reamortization does not revise the annual fee

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Combination construction and permanent loans

An interest reserve may be established to pay all of the following:

- A. Construction interest
- B. Real estate taxes due during construction
- C. Hazard insurance due during construction
- D. All of the above

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Combination construction and permanent loans

ANSWER: 3555.105(d)(4), HB 12.16, 12.26

D. All of the above

- Interest reserve amount contingent on appraised value
- Interest payments are due during the construction period, based on the amount of loan funds advanced

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Combination construction and permanent loans

The following property types are eligible for combination construction and permanent loans except:

- A. SFH dwellings
- B. Modular dwellings
- C. New manufactured units
- D. Condominium high rise units
- E. Site condominiums

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Combination construction and permanent loans

ANSWER: 3555.105(c)(1), HB 12.16

D. Condominium high rise units

- Properties must be SFH detached dwellings
- Site condominiums must meet eligibility requirements

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Combination construction and permanent loans

- Loan closed July 10th
- Two months into construction, borrower is deceased
- What are the lenders options

- A. Abandon construction project
- B. Complete construction and market dwelling
- C. Sue the family members of the deceased for full payment of mortgage loan

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Combination construction and permanent loans

ANSWER: 3555.105(g), HB 12.29

- B. Complete construction and market property

- Lender will continue to administer the construction loan
- If the property sells for less than the loan amount due, a loss claim may be filed to USDA by the approved lender

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Combination construction and permanent loans

- Builder Bob has constructed 15 new SFH dwellings under the combination to permanent loan
- He wishes to market a new subdivision under this program
- Builder Bob is limited in number of units he can construct under this program

A. TRUE B. FALSE

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Combination construction and permanent loans

ANSWER: 3555.105(h), HB 12.15

B. FALSE

- The previous 25 unit threshold has been removed
- BUT poor performing loans due to workmanship or construction will render a builder ineligible to participate or limit the number of units they may construct

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WAY TO GO!

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HB-1-3555
Attachment 12-C
Page 1 of 1


Helpful Resource: Attachment 12-C: Project Review

ATTACHMENT 12-C
PROJECT REVIEW

- Documentation of contractor-builder requirements.
See Paragraph 12.15 of Chapter 12.
- Budget – Cost Breakdown
 - Must match Construction Contract.
 - Must be eligible loan costs. See Paragraph 12.16.
 - Contingency reserves are limited to 10% of construction costs.
- Plans, Drawings and Specifications
 - Must be certified in accordance with Paragraph 12.9B.
 - Must fully describe work to be completed.
- Construction Contract
 - Evidence of all pages.
 - Must contain a time frame for work to be completed (start/end).
 - The cost of change orders will be the responsibility of the borrower.
 - Must be signed by the contractor-builder and borrower.
 - Amount must match the total amount of budget-cost breakdown.

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HB-1-3555
Attachment 12-D
Page 1 of 2

Helpful Resource:
Attachment 12-D:
Approved Lender
Certification (Page 1)

ATTACHMENT 12-D
APPROVED LENDER CERTIFICATION
Completion of New Construction


Borrower:	_____
Co-Borrower:	_____
Property Address:	_____
City, State, Zip Code:	_____

In accordance with Paragraph 12.21 of Chapter 12, HB-1-3555, I enclose a loan reamortization for the above transaction and certify the following:

1. Construction is complete in accordance with approved plans, specifications and change orders.
2. The property can be occupied by the borrower.
3. The following is complete. Evidence is retained in our permanent loan case file for further review by Rural Development.
 - a. Plans, drawings and specifications have been certified in accordance with Paragraph 12.9B of Chapter 12, HB-1-3555. Evidence is retained in the lender's permanent loan case file.
 - b. Required construction phase inspections have been completed in accordance with Paragraph 12.9B of Chapter 12, HB-1-3555. Evidence is retained in the lender's permanent loan case file.
 - c. Thermal standards meet or exceed the 2009 International Energy Conservation Code (IECC) or subsequently issued code. Evidence is retained.

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HB-1-3555
Attachment 12-D
Page 2 of 2

Helpful Resource:
Attachment 12-D:
Approved Lender
Certification (Page 2)

- d. Construction warranties have been issued the borrower.
- e. Evidence of the construction contract, cost breakdown and construction ledger related to the construction of this home.

Approved Lender Certification:

I am dully authorized to represent this organization. I certify that we have originated, underwritten, closed and monitored the completion of new construction of the above loan in accordance with all Agency loan requirements of 7 CFR 3555.

Lender's Signature

Title of Lender's Representative

Date Executed

Name of Approved Lender

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Regulations
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