

Attachment # 2

USDA Rural Development Single Family Housing Guaranteed Loan Program
State Contacts

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United States Department of Agriculture
Rural Development

MAR 20 2009

TO: Participating Lenders

FROM: Philip H. Stetson
Acting Deputy Administrator
Single Family Housing

A handwritten signature in black ink, appearing to be "P. Stetson", written over the printed name of Philip H. Stetson.

SUBJECT: USDA Rural Development
Single Family Housing Guaranteed Loan Program
Available Program Funds

This memorandum is to notify you about the availability of funds for the Single Family Housing Guaranteed Loan Program (SFHGLP).

Under the American Recovery and Reinvestment Act of 2009 (Recovery Act), approximately \$10 billion in purchase funds are now available for the SFHGLP. There are no funds available for refinance loans at this time; however, we do expect to have them available within several weeks.

At this time, USDA Rural Development will issue Conditional Commitments and Loan Note Guarantees for purchase loans obligated under the Recovery Act.

It is expected that all loans funded with Recovery Act funds, involving construction contracts greater than \$2,000, will be subject to the Davis Bacon Wage Act (Davis Bacon). The Act applies to loan transactions involving construction contracts (greater than \$2,000) for building or repairing a home. It does not apply to purchasing a new home if a construction contract to build the home was not signed by the borrower.

If construction is pending, or in process, for a loan for which a Conditional Commitment or Loan Note Guarantee has been requested, it will not be obligated at this time, pending further Davis Bacon compliance guidance to be provided by Rural Development. If construction is completed, or was for less than \$2,000, the loan may be obligated with Recovery Act funds with no further Davis Bacon implications.

1400 Independence Ave, S.W. · Washington DC 20250-0700
Web: <http://www.rurdev.usda.gov>

Committed to the future of rural communities

USDA is an equal opportunity provider, employer and lender.
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights,
1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (800) 795-3272 (Voice) or (202) 720-6382 (TDD).

It is essential that the loan packages are reviewed completely for eligibility, by you, prior to submitting them to Rural Development for approval. Please ensure that the loan underwriting analysis is completed and endorsed by an underwriter representative of the approved lender requesting the Conditional Commitment. While Rural Development will always strive for prompt action on requests for Conditional Commitments, due to anticipated volume of new loan activity, there may be periods when the standard 48-hour turnaround time may not be met by Rural Development. We will do our best to ensure you that are kept informed of the status of your loan approval requests.

At this time, Rural Development is not accepting Reservation of Funds requests for new applications. We will accept completed loan packages only, ready to be reviewed for approval.

For those lenders that currently hold loan approvals (Conditional Commitments) "Subject to the Availability of Congressionally Appropriated Funds", instructions can be found on attachment # 1, for submitting Loan Note Guarantee requests for those transactions. Attachment # 2 contains a Rural Development state contact list for your reference.

If there are questions regarding this memorandum, please contact the National Office Single Family Housing Guaranteed Loan Division at (202) 720-1452.

Attachments

Attachment # 1

Requesting Loan Note Guarantees for Loans with Conditional Commitments "Subject to the Availability of Congressionally Appropriated Funds"

1. You will be notified by Rural Development when funds have been obligated. Communications may be by letter, fax, or email. If you have not done so already, you may proceed to close the loan.

2. If you have already closed the loan and submitted the closing package, you may now execute and deliver the necessary certification to the Agency. The required certification may be found on the back of Form RD 1980-18 "Conditional Commitment for Single Family Housing Guarantee." The certification represents that no adverse changes have occurred in the loan application since issuance of the Conditional Commitment. The certification must be signed by a representative of the approved lender that received the Conditional Commitment.
 - a. Lenders will not be asked to provide payment histories confirming the loan is current, unless the updated lender certification is made 30 days or more after the loan's first payment due date. If the first payment due date is greater than 30 days, you should provide a payment history or a specific certification indicating the loan is not in default (30 days or more past due) at the time you certify and submit Form RD 1980-18.
 - b. Updated Conditional Commitments are not required and will not be issued to remove the conditional statement regarding "subject to the availability of Congressionally appropriated funds."
 - c. Lenders may utilize, at their option, electronic delivery of any documents precedent to issuance of the Loan Note Guarantee. Examples of electronic delivery are by fax, scanning, or attaching a document to an email message. Protection of personally identifiable information is required. Lenders may submit copies of documents in lieu of original documents.
 - d. For any Conditional Commitment issued with a conditional statement regarding funding, the updated lender certification on Form RD 1980-18 must bear an execution date on or after March 19, 2009.

If the lender has sold or plans to sell the Guaranteed loan, the lender should execute Form RD 1980-11, "Guaranteed Rural Housing Lender Record Change", and deliver it with the closing package or updated lender certification.