

# Arizona Department of Housing

(Acting with the Arizona Home Foreclosure Prevention Funding Corporation)



## Program Guidelines:

**“Pathway to Purchase” Down Payment Assistance Program**

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## UPDATES

DATE	TOPIC (effective immediately for new reservations unless otherwise	PAGE(S)
7/01/2018	All previous updates have been incorporated into the document please read thoroughly	ALL
11/01/2018	Incorporated FreddieMac's guideline referencing circumstances when borrowers may hold an ownership interest of property.	8
11/28/2018	Further elaborated on POA Request to include a Letter of Explanation (LOX)	9
<u>02/19/2021</u>	Updated to reflect "Additional Allocation" vs dollar amount Updated to reflect Maximum income as "Cannot exceed Freddie Mac FHA Advantage ≤ 80% AMI.	<u>5</u> <u>7</u>

# THE ADOH PARTNERSHIP TEAM



## **Participating Industrial Development Authority(s) (IDA): Acting with the Arizona Home Foreclosure Prevention Funding Corporation / Program Administrator**

Creates and directly implements the first mortgage and down payment assistance program, sets the interest rates, terms, points, authorizes disbursement of the down payment assistance funds, completes compliance review **and** markets the program through our participating lenders. Approves and monitors lender participation.

## **Participating Lenders**

Take applications, reserve funds in program systems, process, underwrite, approve, fund the 1<sup>st</sup> mortgage, close and sell qualified loans to the program's Master Servicer. Lenders are responsible for servicing first mortgage program loans in accordance with Agency requirements until they're purchased by the Master Servicer.

## **U S Bank - Master Servicer**

Provides information and training concerning the first mortgage loan file including acceptable loan products and delivery and funding, receives all first mortgage files, reviews first mortgage files, notifies lenders of first mortgage file exceptions, approves mortgage files, purchases first mortgage loans and delivers loans.

## **Participating IDA - Reservation and Program Compliance**

Maintains the program first mortgage reservation system and related website, posts guidelines, provides auto-fill forms, provides training on compliance issues and system, makes corrections and updates in the first mortgage reservation system at lender, Authority or master servicer requests, answers first mortgage program and system questions, sends program notices regarding program timelines, receives compliance files, reviews, posts and notifies of exceptions and approves compliance file.

## **Use of Program Guidelines**

These program guidelines are to be used in conjunction with the U S Bank and the Federal Home Loan Mortgage Corporation (FHLMC) also known as Freddie Mac HFA Advantage product (underlying first mortgage) guidelines. The primary purpose of these guidelines is to highlight program (DPA 2<sup>nd</sup> mortgage) restrictions (overlays) that supersede first mortgage guidelines. Any discrepancies or conflicts between the two guidelines should be addressed with the DPA Program Transaction Coordinator. Questions should be emailed to [p2p@azhousing.gov](mailto:p2p@azhousing.gov) with the subject line of "U S Bank, FHLMC, P2P Program Guideline Conflict".

## **“Pathway to Purchase” Down Payment Assistance Program**

### **GENERAL**

The **Pathway to Purchase** Down Payment Assistance Program (the “**P2P**”) is being implemented by the Arizona Department of Housing, with the Arizona Home Foreclosure Prevention Funding Corporation (the “AHFPFC”). In addition to the provisions set forth in these Program Guidelines, the provisions set forth in the Participating IDA Mortgage Origination Agreement shall also apply; in the event of a conflict, the provisions of the Mortgage Origination Agreement shall control.

### **PATHWAY to PURCHASE - FIRST MORTGAGE LOAN**

All borrowers under the **P2P** Program will receive a 30-year, fixed rate, fully amortizing first-lien mortgage loan (a “**P2P** Loan”) and a Down Payment Assistance (DPA) second mortgage equal to 10% of the purchase price of the subject property, subject to a maximum of \$20,000. The funds from the **P2P** DPA second mortgage can be used for down payment, closing costs / pre-pays and mortgage insurance premiums.

### **DAILY INTEREST RATE LOCK RESERVATION**

Interest rates for the first mortgage component of the **P2P** Program are posted to the Participating IDA web page. Interest rates and reservations for this program are available Monday – Friday 7:00 A.M. – 5:00 P.M. Mountain Standard Time, excluding Holidays.

PLEASE NOTE that interest rates and the availability of the **P2P** DPA second mortgage are subject to change at any time. Once reserved, the interest rate and the amount of the **P2P** DPA second mortgage will not change as long as loans are delivered according to the timetable included in these guidelines.

- Interest rate buy-ups or buy-downs are not available on the **P2P** program.

### **PATHWAY to PURCHASE (P2P) DPA SECOND MORTGAGE**

The funding for the **Pathway to Purchase** DPA Second Mortgage Program is provided by the U.S. Department of the Treasury through the Trouble Asset Relief Program; Hardest-Hit Fund. The **P2P** Program has additional allocation from the Arizona Home Foreclosure Prevention Funding Corporation Hardest-Hit fund allocation for this relaunch. These funds are available on a first come first serve basis. The **P2P** Program **cannot** be combined or layered with other down payment assistance programs.

A Lender will make the determination that a borrower meets the requirements of the **P2P** First mortgage Loan and the requirements for receiving a DPA Second Mortgage. When the lender reserves the first mortgage in the Participating IDA system this only reserves the first mortgage. The DPA Second Mortgage must be registered and submitted for and issued a DPA commitment for the DPA Second Mortgage funds to be reserved. The (AHFPFC / ADOH) will fund the DPA Second Mortgage assistance amount to the Title Company on the related **P2P** Loan closing. The DPA Second Mortgage assistance is only available in conjunction with a **P2P** Loan.

## **AMOUNT OF ASSISTANCE**

- DPA Second Mortgage is equal to 10% of the subject property purchase price or appraised value whichever is less, up to a maximum of \$20,000.
- DPA Second Mortgage is a lien against the subject property with the following components,
  - Five-year, deferred loan 100% forgiven after five years
  - 0% interest rate
  - No monthly Payment

The **P2P** DPA Second Mortgage can be applied only for the following purposes (i) to pay for any portion of the Purchase Price of the Residence due and payable at Closing which is not funded by the Mortgage Loan (i.e., any portion of the “down payment” for the Residence) and (ii) to pay for any closing costs (see next paragraph) collected by the Lender. Because the DPA Second Mortgage is a fixed percentage, any remaining / unused DPA Grant Assistance must be applied as a principal reduction. The **P2P** DPA Second Mortgage will not be applied by the Mortgagor for any other purpose without the consent of AHFPFC / ADOH or the Servicer.

Closing costs mean pre-paid taxes, hazard and mortgage insurance premiums (including single premium borrower paid), origination and discount points, guaranty fees, credit report fees, survey fees, appraisal fees, inspection fees, title insurance premium, abstract and attorney’s fees, escrow and courier fees, recording fees, and similar fees.

## **PROGRAM ELIGIBILITY – Underlying Mortgages**

The **P2P** Program permits only the Federal Home Loan Mortgage Corporation (FHLMC), also known as Freddie Mac HFA Advantage Loans (HFA Advantage is a variance of the FHLMC Home Ready formerly, Home Possible Mortgage product), at a maximum LTV of 95.0%. The maximum LTV limit includes any borrower financed MI.

Within these Program Guidelines are the overarching requirements related to the **P2P** DPA Second Mortgage. These Program Guidelines do not include ALL specific Freddie Mac HFA Advantage agency relating program guidelines within this single document. The respective agency guidelines for the underlying mortgage Freddie Mac HFA Advantage must be met and

requirements adhered to. Furthermore, the master servicer, US Bank could have additional underwriting overlays.

Our Master Servicer U.S. Bank's provides lender support at the following links:

MRBP Home Mortgage Lender manual can be found at <http://www.mrbp.usbank.com>

General questions on the underlying mortgage can be made at [hfa.programs@usbank.com](mailto:hfa.programs@usbank.com)

Exception inquires on a specific loan can be made to [mrbpcommunications@usbank.com](mailto:mrbpcommunications@usbank.com)

Inquiries on post purchased loans can be made to [mrbp.postfunding@usbank.com](mailto:mrbp.postfunding@usbank.com)

#### **ELIGIBLE BORROWERS:**

- Regarding non-permanent residents, the respective agency guidelines for the underlying mortgage (Freddie Mac HFA Advantage) must be met and requirements adhered to. ADOH will add no additional overrides for the **P2P** Program.
- All borrowers must be considered irrespective of age, race, color, religion, national origin, sex, marital status, military status or physical handicap.
- Borrowers must occupy the property as their primary residence and reside in the subject property within 60 days of closing.

#### **INCOME LIMITS:**

In determining gross monthly income, the income of all borrowers expected to *both* live in the residence and who credit qualify on the Note must be taken into account. For compliance purposes, the borrower(s) income calculation is based on the respective agency income guidelines for the underlying mortgage (Freddie Mac HFA Advantage) and as disclosed on the final, signed and dated Freddie Mac Universal Residential Application Form 1003.

- **The borrower(s) income cannot exceed Freddie Mac FHA Advantage  $\leq$  80% AMI.**

#### **PURCHASE PRICE LIMITS:**

##### **Acquisition Limits (Purchase Price Limits)**

Acquisition cost means the cost to a Mortgagor of acquiring a Residence from the Seller as a completed residential unit - in most cases this is the Sales Price. This must include everything paid by the buyer or on the buyer's behalf with the exception of Agency-permitted financing costs. If the respective agency guidelines for the underlying mortgage (Freddie Mac HFA Advantage) have a lower purchase price limit then it must be met and requirements adhered to.

- **The acquisition cost of the property cannot exceed \$439,860.00.**

If the subject property purchase price is less than \$75,000 additional disclosures may apply.

## MINIMUM CREDIT SCORE / MAXIMUM DEBT-TO-INCOME RATIO

### Freddie Mac HFA Advantage Mortgage:

#### LTV's 95.0% or less

- Minimum 640 FICO
- Maximum LTV / CLTV - 95.0% / 105%
- Max DTI – 45%

## QUALIFIED RESIDENCE REQUIREMENTS

- **P2P** DPA Second Mortgage assistance program is ONLY available in 26 Zip Codes of the following 12 Arizona Cities: (see targeted area table for zip code details)
  - Bullhead City, Casa Grande, Glendale, Green Valley, Kingman, Phoenix, Rio Rico, Sahuarita, Sierra Vista, Tucson, Vail and Yuma (see the Target Area attachment for eligible zip code details)
- For Freddie Mac HFA Advantage, only existing Single Family properties, including attached PUD's / Townhouses and Condos are allowed. See US Bank website for Bulletins and Guidelines on credit overlays.
- Existing, previously occupied properties only, new construction, including spec homes are not allowed.
- Manufactured Homes are not permitted.

## OWNERSHIP OF OTHER PROPERTY

- There are circumstances when borrowers may hold an ownership interest in a property that are compatible with the intent of the P2P DPA Program. To accommodate these situations, ownership in other residential property is permitted provided the borrower does not occupy the other property, and the borrower:
  - Inherited their ownership interest in the property and shares ownership with another party.
  - Owns the property with another party and the debt associated with the property was assigned to the other party by a court order (e.g., a divorce decree).
  - Is a cosigner/guarantor on the related mortgage debt and someone other than the borrower has made payments on the debt associated with the property for the most recent 12 months, as documented with copies of canceled checks or a statement from the lender.



## ADDITIONAL PROGRAM REQUIREMENTS

- **Seller cannot advance funds**, solicit or induce funds to be advanced by another, directly or indirectly, for the payment of any amount required by the Loan;
- **Non-Occupant Co-Signors:** Freddie Mac HFA Advantage does not allow for non-occupant co-borrowers (co-signors), a non-occupant co-borrower or a non-occupant co-signor conflicts with the strict occupancy requirements of the soft second lien on the P2P Program. As such, non-occupant co-borrowers (or non-occupant co-signors) are not allowed.
- **Power of Attorney (POA):** The use of a POA must be reviewed and approved by Program Administration prior to the funds request being processed and the DPA closing package being signed. A letter of explanation (LOX) detailing the reason why the POA is needed is also required. The POA and LOX should be uploaded to the program portal at <https://housing.az.gov/portals/document-upload-portals/p2p-portal> and labeled POA Request.
- **Homebuyer Education Course Required:** Each borrower must complete a homebuyer education course before closing.
- **Cash back** to the borrower is not permitted. However, borrowers are permitted a reimbursement of overage of earnest money deposit to the extent any minimum contribution has been satisfied and permitted by Agency guidelines.
- **No Minimum Loan Amount:** there is no minimum loan amount required under the **P2P** Program. If a minimum loan size applies, it is determined by the type of financing used (i.e. Freddie Mac HFA Advantage).
- **Prepayments:** **P2P** First Mortgages may be prepaid at any time without penalty.
- **No "Mortgage Subsidy" Recapture Tax:** There is no Mortgage Subsidy Recapture Tax under the **P2P** Program.
- **No Refinancing:** The **P2P** program is available for purchase money transactions only.
- **Escrow / Impound Account Requirements:** The borrowers must establish an impound/escrow account for monthly collection (1/12) and annual /semi-annual disbursement of the property taxes, homeowner's insurance premiums and private mortgage insurance (if applicable) and flood insurance (if applicable).
- **Reserve Requirements:** There are no minimum / maximum reserve requirements under the **P2P** Program. The **P2P** Program does not have liquid asset overlays, restrictions or requirements, furthermore program does not impose restrictions on a homebuyer putting/ providing additional funds for the downpayment / closing costs OR retaining his/her liquid assets in reserves and using just program funds for down payment / closing costs. If any reserves are required, these are determined by the DU Finding or any agency related guidelines. (i.e. Freddie Mac HFA Advantage).
- **Home Inspection:** It is the homebuyer's option to obtain a home inspection. This is for their benefit and does not need to be provided to the lender, master servicer or program administrator. The fee for this inspection can be covered by the DPA assistance funds.

## LENDER TRAINING

Even if you are an existing **Participating IDA** lender, with user credentials for their program, you need to take additional training. Your current participating IDA program credentials will **not** automatically allow you access to the **P2P** DPA Second Mortgage Program.

### 1. Mandatory P2P Program Training.

- a. Program training is available on demand via email – [p2p@azhousing.gov](mailto:p2p@azhousing.gov) ( P2P DPA Training Request)
- b. Scheduled training is provided periodically (see program site page for details).

### 2. Mandatory P2P First Mortgage Program Training.

- a. Program training is offered by participating IDA please contact them for details.
- b. Contact participating IDA for questions and concerns regarding US Bank.

## LENDER COMPENSATION SUMMARY

- The lender compensation is set by the Participating IDA. Normal lender administration, document preparation, processing and/or underwriting fees are not included in the lender compensation cap.

## PROGRAM FEES FOR P2P FIRST MORTGAGE

### ADMINISTRATOR FEE

The Program includes a non-refundable **Compliance Review Fee**. The fee is payable at closing and must be disclosed on the Closing Disclosure and can be paid by the buyer or seller.

### SERVICER FEES – U.S. Bank

A **Tax Service Fee and Funding Fee** are payable at closing. Both must be disclosed on the Closing Disclosure and can be paid by the buyer or seller.

### DPA Second Mortgage Lien - Pathway to Purchase

The only allowable fee to be charged in association with the **Pathway to Purchase** DPA second mortgage lien is a recording fee.

US Bank provides lender support for TRID related issues at [USBHMLenderSupport@usbank.com](mailto:USBHMLenderSupport@usbank.com)

### OTHER LENDER FEES

Lender Fees are fees paid to the Lender for services rendered (i.e. Processing Fees, Underwriting Fees, Administrative or Administration Fees and Doc Prep Fees). Lender fees (regardless of what they are called) should not exceed what is charged to the Lender's other borrowers. **The purpose of down payment and closing cost assistance is not to provide a source to pay for such fees. This is a public purpose program for affordable housing and fees are closely monitored. Junk fees are not permitted and excessive fees will not be**

**tolerated.** An Application Fee must include no more than the actual costs of allowable items such as appraisals.

## **PROGRAM TIMETABLE**

**BUYER MUST HAVE A FULLY- EXECUTED SALES CONTRACT FOR A SPECIFIC PROPERTY** in order to have funds reserved. The contract may be dated prior to the date of the loan application. Buyers may be pre-qualified. However, if the buyer does not have a contract on a property, program funds cannot be reserved for the buyer until such time as the buyer presents a valid contract.

## **LOAN RESERVATION**

Once the lender determines the borrower(s) is program eligible the transaction can be reserved. Reserving the first mortgage does not reserve the down payment assistance. The DPA Second Mortgage must be registered and submitted for and issued a DPA commitment for the DPA Second Mortgage funds to be reserved. The lender will receive a DPA loan commitment and message confirming the successful completion of the reservation. Any time after loan registration the lender can generate the **Declaration of Eligibility Package**. The documents in this package; Declaration of Eligibility, Dodd-Frank Certificate and Third Party Authorization will need to be signed by the borrower(s) and the originals included in the compliance package.

## **UNDERWRITE AND CERTIFY**

Lenders underwrite & are responsible for credit decisions of the loans in the program. Servicer does not re-underwrite loans \*\*.

## **REQUEST P2P DOWN PAYMENT ASSISTANCE FUNDS**

**The Arizona Home Foreclosure Prevention Funding Corporation (AHFPFC) MUST provide DPA funds directly to the Title Company / Closing Agent.** DPA funds are requested by the lender prior to closing and funded by AHFPFC, sending DPA funds directly to the lenders Title Company. **The Lender will not advance the DPA funds.**

In order to expedite the delivery of the **P2P** DPA funds:

1. After the Loan Prospector Findings of the loan has been completed, and with a projected closing date, the Lender's authorized representative must fill out and execute the DPA Funding Request Form
2. The DPA Funding Request Form must be printed, signed and submitted by 4:00 PM (Monday through Friday) no later than 48 hours prior to the scheduled signing. The DPA Funding Request Form CANNOT be handwritten. .
3. Two business days prior to loan signing, the Lender must submit a complete, executed DPA Funding Request Form to AHFPFC

4. Request Form Review
  - a. Anything received by 4 p m A r i z o n a T i m e will be verified that day and the requests forwarded to our Custodian Bank; Zion Bank.
  - b. Requests received after 4 pm Arizona Time will be processed the following business day.
  - c. Any DPA Funding Request Form received over the weekend or on a holiday will be processed on the next business day.
5. The DPA Funding Request Form will be reviewed by AHFPFC for accuracy. Lenders will be contacted by AHFPFC if the Request Form cannot be verified. Verified Request Forms are sent by AHFPFC to the Zion Bank for authorization to disburse DPA funds. The Zion Bank will wire the **P2P** DPA funds directly to the Closing Agent/Title Company and NOT to the Lender or the Borrower.
6. An Arizona Department of Housing / Save Our Home AZ (ADOH / SOHAZ ) representative will send Escrow Instructions and Closing Documents directly to the Title Company detailing information related to the return of the executed **DPA Closing Package** directly to ADOH / SOHAZ.
7. The title company is responsible for uploading the executed **DPA Closing Package** directly to ADOH / SOHAZ according to Escrow Instruction provided by ADOH by 4PM two days prior to the desired disbursement date of the transaction; in order to receive DPA funds and a Funding Authorization.

If the **P2P** transaction does not fund within three business days of the loan closing date indicated on the DPA Funding Request Form, the Lender will notify the Authority if the loan does not close and the funds will be returned to the Authority's Account not later than the close of business within three business days following the expected loan closing date. Wiring instructions for the return of funds are as follows:

The DPA Closing Package only needs to be reproduced with a revised date if the transaction does not sign in the month the documents are dated. It is AHFPFC goal to facilitate this process and to provide Lenders the assistance needed to ensure the DPA funds are available at each **P2P** Loan closing. Please make sure that [P2P@azhousing.gov](mailto:P2P@azhousing.gov) is added to your white lists/contacts for both system-generated emails and other emails relating to the DPA Funding Request.

Should you have any questions, please contact David Wilsey at [David.Wilsey@azhousing.gov](mailto:David.Wilsey@azhousing.gov) or (602) 771-1043.

## **PROGRAM COMPLIANCE FORMS**

The simple rule of whom signs program forms – if the person is named on the Mortgage/Deed, they sign the forms. If they are not on the Mortgage/Deed, they do not sign the forms. Having people sign documents who should not sign is as incorrect as not having all sign who should.

Original, personal signatures of all borrowers and sellers are required and must match on all documents associated with the transaction.

### **PRE-CLOSING FORMS:**

- **Declaration of Eligibility Package; includes Declaration of Eligibility, Household Composition Declaration, Dodd-Frank Certificate, initial Truth-in-Lending Disclosure (TILA) Home Buyer Education Certificate, Loan Prospector Findings, Underwriter Qualifying Income Calculation Worksheet- Must include supporting Income Documentation (i.e. paystubs, W-2's, etc.), Purchase Sale Agreement and Third Party Authorization.**
  - **DPA Wire Request (must submit 2 full business days prior to signing)**

### **CLOSING FORMS – DPA Closing Package**

- **Applicant Certification**
- **DPA Promissory Note**
- **DPA Deed of Trust**
- **Final Truth-in-Lending Disclosure (TILA)**
- **Disclosure Statement to Borrower**
- **Media Release – borrowers option**
- **W-9**

### **LENDER LOSS PAYEE Requirements**

- **Obtain evidence of hazard insurance and get AHFPFC listed as an additional loss payee. The clause should read exactly as:**

**AZ Home Foreclosure Prevention  
Funding Corp, c/o ADOH, ISAOA  
1110 W Washington St, Suite 280  
Phoenix, AZ 85007  
Loan #: P2P \_\_\_\_\_**

### **POST-CLOSING FORMS**

- **Compliance File Checklist with Required Documents**

## **MORTGAGE CLOSING / SETTLEMENT**

The program administrator (ADOH) is responsible for generating and providing to the Title Company the DPA Closing Package.

The following items will be returned by the Title Company directly to:

Arizona Department of Housing c/o Save Our Home AZ  
Attn: Closing Team  
1110 W Washington Street, Suite 280  
Phoenix, AZ 85007

1. Certified copy of the Final Closing Disclosure
2. Certified copy of the DPA DEED of Trust
3. Original DPA Promissory Note
4. Original Truth-in-Lending Disclosure (TILA)
5. Original Applicant Certification
6. Original Disclosure Statement
7. W-9
8. Media Release – if borrower executes

All forms can be found on the SOHFI website.

## **SUBMIT CREDIT FILES**

It is extremely important that the lender submits this in a timely manner.

### **1. Mortgage File – Credit Package to ADOH (same Credit File uploaded to US Bank)**

The mortgage file, including the credit package is sent to ADOH, via their P2P Document Portal system. The P2P Document Portal may be found on the ADOH web site, <https://housing.az.gov/portals/document-upload-portals/p2p-portal>  
Fill in the form with required information; Email, First Name, Last Name, Phone Number, Loan Number and attached the document by clicking the “Choose Files” button.

## TARGET AREA TABLE

<b>County</b>	<b>City</b>	<b>Zip</b>
COCHISE	SIERRA VISTA	85650
COCHISE	SIERRA VISTA	85635
MARICOPA	GLENDALE	85301
MARICOPA	PHOENIX	85042
MARICOPA	PHOENIX	85016
MARICOPA	PHOENIX	85017
MARICOPA	PHOENIX	85051
MARICOPA	PHOENIX	85041
MOHAVE	BULLHEAD CITY	86442
MOHAVE	KINGMAN	86409
PIMA	GREEN VALLEY	85614
PIMA	SAHUARITA	85629
PIMA	TUCSON	85730
PIMA	TUCSON	85706
PIMA	TUCSON	85747
PIMA	TUCSON	85712
PIMA	TUCSON	85710
PIMA	TUCSON	85711
PIMA	TUCSON	85713
PIMA	TUCSON	85746
PIMA	VAIL	85641
PINAL	CASA GRANDE	85122
SANTA CRUZ	RIO RICO	85648
YUMA	YUMA	85364
YUMA	YUMA	85365
YUMA	YUMA	85367