

# The CAI Guide to FHA Certification

For Association Board Members and Community Managers

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*See pages 11–14 for a list of FHA certification consultants and law firms that provide this service.*



(888) 224.4321 | [www.caionline.org](http://www.caionline.org)

# The CAI Guide to FHA Certification

## What is FHA?

Established as an independent federal agency by the National Housing Act of 1934, the Federal Housing Administration (FHA) is the world's largest insurer of home loans. To protect taxpayers and homeowners, FHA only insures mortgages that meet the agency's standards and are originated by FHA-approved lenders. FHA does not lend taxpayer money and does not originate mortgage loans.

## What is an FHA-Insured Loan?

An FHA-insured loan is a mortgage loan that meets all FHA credit and property standards, is originated by an FHA-approved lender and is insured by FHA. Borrowers are assessed a one-time mortgage insurance premium at closing and then pay mortgage insurance premiums as a component of their monthly mortgage payments. All FHA mortgage insurance premiums are deposited in the Mutual Mortgage Insurance Fund, which backstops most FHA programs and protects taxpayers from covering mortgage losses. In FHA's more than 80-year history, taxpayers have never been called upon to pay any FHA mortgage insurance claims.

## What is FHA Certification?

FHA condominium certification is the process of verifying that a condominium association meets all FHA legal, financial, operational and property requirements. A borrower may not use an FHA-insured mortgage to purchase a condominium unit unless the condominium association has been certified by FHA and the association is in full compliance with all FHA program requirements at the time of purchase.

## Is the FHA Certification Process New?

Condominium certification of some form is required by the different elements of the housing finance system. Fannie Mae, Freddie Mac, FHA, the Veterans Benefits Administration, and the U.S. Department of Agriculture have procedures to verify that condominium associations meet each agency's respective standards before a consumer uses a mortgage to purchase a condominium unit.

FHA instituted significant reforms to its condominium certification process in 2009, making additional refinements during the past few years. In many cases, FHA has acted to ease pressure points in the certification process that served to discourage condominium associations from seeking FHA certification or renewing an existing FHA certification.

## Does FHA Certification Expire?

FHA certification is valid for two years. Condominium associations may begin the recertification process up to six months prior to the certification's expiration date. To determine when a condominium's FHA certification expires or if a certification is still valid, visit <https://entp.hud.gov/idapp/html/condlook.cfm>. Currently, the FHA condominium recertification process requires applicants to submit all of the materials required for submission for the original certification applicant. To assist your community with recertification, you should keep a copy of the initial condominium certification application.

## Is FHA Certification Important?

While FHA certification is not mandatory for condominium associations, there are clear benefits for homeowners and prospective buyers if the association secures and maintains FHA certification. These benefits include:

- A larger pool of potential homebuyers, which increases the value and marketability of units
- A larger percentage of owner-occupied units, since FHA will only insure mortgages used to purchase a primary residence

For some condominiums, FHA certification is not necessary or practical. For example, if all units in a condominium association are priced above the maximum mortgage amount (\$650,000) that FHA may by law insure, there is little need for the association to seek FHA certification. Further, certain types of properties, even if organized under a state condominium statute, are ineligible for FHA certification. Examples include time-share properties, hotel or condo-hotel properties, houseboat condominium communities and condominiums located in a designated coastal barrier zone.

## Common Myths about FHA Certification

### *Myth: FHA-insured loans have a higher default rate*

Federal government data show that the default and claims rate for FHA mortgages is at a low level. The combined seriously delinquent (90-days delinquent) and FHA insurance claims rate (where FHA actually takes a loss) for new condominium projects (less than 2 years old) is .94% over the past two years.

The combined seriously delinquent (90 days delinquent) and FHA insurance claims rate (where FHA actually takes a loss) for existing condominium projects (more than 2 years old) is only .68% over the past two years. Over the past two years, FHA has had 241 condo loans hit the 90-day+ delinquency standard, but of that number, only 5 loans have gone to the claim point where FHA has actually taken a loss.

### *Myth: Owners with an FHA-insured mortgage have less equity and are more likely to abandon their homes*

FHA-approved lenders and mortgage servicers are required to quickly identify and offer assistance to FHA borrowers having trouble making their monthly mortgage payments. This mandatory assistance includes loan forbearance in the case of long-term unemployment, payment restructuring, and other options to help owners remain in their homes. FHA will also work with financially troubled borrowers to lease their homes to avoid default. FHA foreclosure prevention and loan-loss mitigation procedures significantly reduce the likelihood of foreclosure while encouraging borrowers to remain in their homes.

### ***Myth: FHA certification is cumbersome and costly***

FHA does not charge a fee for condominium certification or recertification. As an additional encouragement for condominium associations to apply for certification, FHA does not require sponsorship by a lender or that associations use the services of a consultant or attorney when applying for certification. Associations may submit directly to FHA for certification.

Condominium associations that do not wish to manage the FHA certification process often seek out the services of FHA certification consultants or attorneys. These professionals have a wealth of knowledge concerning FHA requirements and can identify and help the association address any potential roadblocks to obtaining FHA certification. See pages 11–14 for a list of project consultants and attorneys who offer FHA condo certification services.

### **Applying for Approval—DELRAP and HRAP**

There are two ways a condominium association may be approved for FHA certification. One method is applying through an FHA-approved lender; the other is condominium associations applying directly to the U.S. Department of Housing and Urban Development (HUD).

An FHA-approved lender may submit a condominium association for approval through the Direct Endorsement Lender Review and Approval Process (DELRAP). Under this process, the association works with a qualified and FHA-approved lender to obtain certification. Lenders are more likely to submit a condominium association for certification under the DELRAP option if there is a sufficient volume of sales in that condominium community.

Condominium associations may also apply for FHA certification under the HUD Review and Approval Process (HRAP). Under the HRAP option, the association collects and assembles the necessary documentation and submits a certification application to FHA. Associations using the HRAP option often engage the services of an FHA certification consultant or attorney to assemble and submit a certification application to FHA. This is a matter of expertise and convenience for the association—the use of a consultant or attorney is not a requirement for certification under the HRAP option.

## Applying for Approval—Jurisdictional HOCs

FHA requires that HRAP certification packages be sent to one of four regional FHA offices, known as Home Ownership Centers (HOCs), for processing and approval. Each HOC has jurisdiction over condominium approvals in specific states. Certification packages must be delivered to the appropriate HOC for processing.

The four regional HOCs are located in Santa Ana, CA; Denver, CO; Atlanta, GA; and Philadelphia, PA. To determine the jurisdictional HOC for a specific state, visit the HUD website at <https://entp.hud.gov/clas/info2.cfm>. Below are the mailing and physical addresses for each HOC:

### Atlanta HOC

U.S. Department of Housing and Urban Development  
Five Points Plaza  
Attn: Processing and Underwriting Division—Condominium Project Approval  
40 Marietta Street  
Atlanta, GA 30303

### Philadelphia HOC

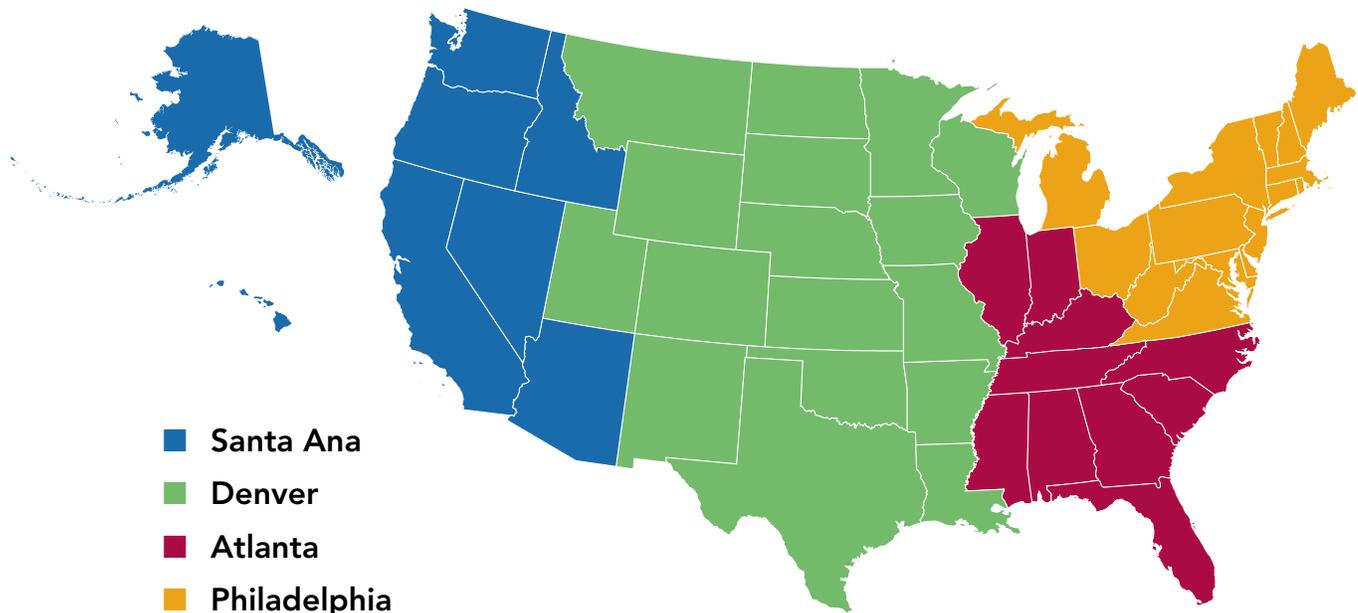
U.S. Department of Housing and Urban Development  
The Wanamaker Building  
Attn: Processing and Underwriting Division—Condominium Project Approval  
100 Penn Square East  
Philadelphia, PA 19107

### Denver HOC

U.S. Department of Housing and Urban Development  
Attn: Processing and Underwriting Division—Technical Support Branch  
1670 Broadway  
Denver, CO 80202

### Santa Ana HOC

U.S. Department of Housing and Urban Development  
Santa Ana Federal Building  
Attn: Condominium Project Processing  
34 Civic Center Plaza, Room 7015  
Santa Ana, CA 92701



## Basic Eligibility Requirements for FHA Certification

FHA eligibility requirements are the same for condominiums certified by a lender using the DELRAP system and those certified under HRAP. FHA eligibility requirements fall into five general categories: (1) Property type and use, (2) financial stability, (3) operational stability, (4) insurance requirements and (5) legal requirements.

### Property Type and Use

**No Condo-hotels, Timeshares, Resorts, Hotel Properties.** By federal statute, FHA-insured mortgages may only be used to purchase a borrower's primary residence. FHA will not approve condominium associations where units are individually owned but are managed as short-term rental properties. Similarly, FHA will not approve condominiums with registration desk services, condominiums that restrict the owner's right to occupy the unit at any time, or where units are intended for short-term, non-owner occupied use.

**Coastal Barrier Zones.** Pursuant to federal statute, FHA is prohibited from insuring mortgages used to purchase property in a coastal barrier zone as defined by the Coastal Barriers Act or other federal regulation.

**Commercial Space.** FHA generally will not approve mixed-use condominium projects where more than 25 percent of the project is designated for commercial use. However, the agency will, on a case by case basis, consider certification of condominium projects where commercial space exceeds 25 percent of the project, subject to certain restrictions.

**Construction Type.** FHA does not restrict certification on the basis of construction type. Detached and semi-detached, row house, walk-up, mid-rise, high-rise and manufactured housing condominium projects are eligible for FHA certification. Depending on the construction type or legal organization of the condominium association, FHA may require additional documentation or have eligibility requirements unique to the construction type (e.g., manufactured housing condominiums and detached/site condominiums).

**FHA Loan Concentration Limit.** FHA will not certify a condominium project where the agency insures more than 50 percent of mortgages in the condominium. FHA tracks loan-concentration as a component of the agency's risk-management practices. While a condominium association with an FHA loan concentration of 50 percent or more is not eligible for certification, FHA loan concentration is not indicative of an association's financial or operational stability.

### Financial Stability

**Budget.** FHA requires that condominium associations prepare and fully fund an annual budget that realistically reflects the association's current year activities, obligations and expenses. Among other requirements, condominiums must budget for insurance deductibles.

**Reserve Funds.** FHA requires that condominium associations contribute at least 10 percent of annual income to a separate and distinct reserve account for capital maintenance, repairs and other expenditures. It is common for FHA to request that reserve contributions be entered as a line item in an association's operating budgets.

**Assessment Delinquencies.** FHA will not certify a condominium association where more than 15 percent of units are 60 days or more delinquent on assessments. FHA includes all units within the condominium project—including bank-owned and abandoned properties—in this calculation.

**Special Assessments.** FHA views an active or planned special assessment as an indicator of financial instability and requires substantial documentation and explanation for such assessments. A planned or active special assessment does not automatically disqualify a condominium from FHA certification if the association can demonstrate and document pressing circumstances necessitating the special assessment.

## Operational Stability

**Percentage of Owner Occupied Units.** FHA requires at least 50 percent of the units in the condominium project be owner occupied.

**Ownership Percentage.** FHA will not certify a condominium association where more than 50 percent of units in the project are owned by a single entity.

**Maintenance.** FHA requires that condominium buildings, amenities and other common elements be in good repair and in compliance with appropriate local and state requirements.

## Insurance Requirements

**Hazard Insurance.** FHA requires that condominium associations maintain master or blanket insurance coverage equal to 100 percent of the project's replacement cost. Master or blanket policies may not be pooled with other condominium associations; nor may a master association purchase a blanket hazard policy to cover condominium sub-associations. Each condominium association must maintain a separate hazard policy that meets FHA minimum requirements. Importantly, unit owners may not purchase insurance to bridge any gap in coverage as a means of fulfilling FHA hazard insurance requirements.

**Liability Insurance.** FHA requires condominium associations to purchase and maintain general liability insurance covering all common elements, commercial space owned or leased by the association and any public ways in the condominium.

**Fidelity Insurance.** For condominium projects with 20 or more units, FHA requires the association to purchase fidelity coverage to insure against dishonest acts and theft of association funds. At a minimum, all officers, directors, employees and other individuals handling association funds—including management company employees—must be covered under the fidelity insurance policy. Coverage must be sufficient to provide three months of assessment income and the current reserve account balance unless state law mandates a maximum dollar amount of coverage.

**Flood Insurance.** If any portion of a condominium building or common element is located in a Special Flood Hazard Area, the association (not individual unit owners) must purchase and maintain flood insurance coverage equal to the project's replacement costs or the maximum amount of coverage available through the National Flood Insurance Program.

## Legal Requirements

**Rental Restrictions.** FHA requires that all leasing and resale restrictions comply with the agency's governing statutes and regulations prohibiting restraints on the transfer or use of property. FHA will permit the adoption of leasing restrictions as long as at least one unit per complex may be rented for a period of more than 30 days. FHA will not permit, under any circumstance, leasing restrictions that require board preapproval of tenants or an affirmative decision or vote of the board for a unit to be leased. FHA will permit leasing restrictions that require unit owners to notify the association that a unit will be leased for the purposes of enforcement of rules limiting the total number of units that may be leased at any one time.

**Pending Litigation.** FHA views litigation, other than routine legal action to recover assessment delinquencies, as potentially destabilizing to an association or as an indicator of construction defects. The agency requires substantial documentation and explanation of any major, non-routine litigation to which the association is a named party.

**Common Areas and Transfer of Control.** For established condominium associations, all common areas must be completed and not subject to additional phasing with control of the association transferred to unit owners. FHA has different criteria for new construction projects that do not apply to established condominium projects.

**Compliance with State and Federal Laws.** Condominiums must certify full compliance with all applicable state and federal laws.

**Mandatory Recreational Association Dues.** FHA will not certify condominium associations where unit owners are required to join and pay dues to support a separate recreational entity. For example, if a master association includes a golf club or marina, the master association may not require homeowners to pay club or marina dues as a condition of their purchase in a sub-association. If such dues payments are mandatory, the condominium association is ineligible for FHA certification.

## Documents and Information Required to Apply for FHA Certification

### Legal Documents

- Recorded covenants, conditions and restrictions (CC&Rs/Declaration/Master Deed)
- Signed and adopted bylaws; if state law does not require signed bylaws, provide a copy of applicable state statute
- Articles of Incorporation, Articles of Association or Condominium Trust filed with the state; if state law does not require incorporation, provide copy of applicable state statute
- Recorded plat map indicating legal description
- Recorded condominium site plans

### Financial Documents

- Budget for current year
- Previous year's actual year-end results (income and expense statement)
- Current balance sheet to support adequacy of budget (current balance sheet to be dated within the last 90 days)
- Number of units (including bank owned and abandoned units) where assessments are more than 60 days delinquent
- Current balance (within 30 days of submission) in the reserve account
- Reserve study if FHA determines the current year budget is inadequate to maintain and preserve all buildings, amenities and features of the condominium project or to provide funding for association operations, reserves or insurance premiums and deductibles

### Insurance Documents

- Master flood insurance policy (as applicable)
- Liability insurance
- Hazard insurance—master policy
- Fidelity insurance policy
- Current declaration pages for all policies provided

### Miscellaneous Documents

- Management Agreement—signed (if applicable); in lieu of an executed agreement, an executed (signed/dated) document defining the terms and services provided by the management company on behalf of the homeowners association may be provided
- FEMA Flood Map—An official FEMA Flood Map identifying the location of the condominium project on the map must be submitted. Search <https://msc.fema.gov/portal>. If a final Letter of Map Adjustment (LOMA) or Letter of Map Revision (LOMR) has been issued, the LOMA or LOMR must be submitted to demonstrate the condominium project is not subject to mandatory flood insurance purchase requirements.

## Other Miscellaneous Required Information

- Total number of declared legal phases within the project
- Total number of units in declared legal phases
- Number of owner-occupied units
- Number of tenant occupied units
- Number of units vacant and unsold
- Number of bank-owned units (REO)
- Number of investor owned units within the project

## Resources and Web Links

**FHA Condominium Project Approval and Processing Guide.** <http://portal.hud.gov/hudportal/documents/huddoc?id=11-22mlguide.pdf>. This 95-page pdf provides you with checklists and details about each requirement for condominium certification and recertification.

**Condominium Project Certification Status.** <https://entp.hud.gov/idapp/html/condlook.cfm>. This website provides you with current status for your condominium.

The four regional HOCs are located in Santa Ana, CA; Denver, CO; Atlanta, GA; and Philadelphia, PA. To determine the jurisdictional HOC for a specific state, visit the U.S. Department of Housing and Urban Development website at <http://www.hud.gov/offices/hsg/sfh/hoc/hsghoc.cfm>.

**FHA Resource Center.** FHA's online knowledge base helps you find answers 24/7. Use the following link to access this database. <http://www.fhaoutreach.gov/FHAFAQ/>

Lenders, industry members, consumers and other interested parties can use the following links for inquiries by e-mail or telephone.

- E-mail questions to the FHA Resource Center at [info@fhaoutreach.com](mailto:info@fhaoutreach.com)
- Call the FHA Resource Center toll free at 1-800-CALLFHA (1-800-225-5342)

## FHA Certification Consultants and Law Firms\*

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Peter Santangelo  
110 W Palatine Rd Suite 2  
Palatine, IL 60067  
847.304.5940  
psantangelo@community  
advantage.com  
www.wintrustmortgage.com

### Condo Approvals USA

Gary L. Gooch, LTC, US Army Retired  
3213 Duke Street  
Alexandria, VA 22314  
571.312.0925 | In Texas  
214.988.9181  
ggooch@condoapprovalsusa.com  
www.condoapprovalsusa.com

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*\*The companies listed are paid sponsors*

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## About Community Associations Institute

With more than 33,000 members dedicated to building better communities, CAI works in partnership with 60 chapters, including a chapter in South Africa, to provide information, education and resources to those involved in community association governance and management, CAI also advocates on behalf of common-interest communities before legislatures, regulatory bodies and the courts.

We believe homeowner and condominium associations should strive to exceed the expectations of their residents. We work toward this objective by identifying and meeting the evolving needs of the homeowner leaders and professionals who serve associations and by helping our members learn, achieve and excel. Our mission is to inspire professionalism, effective leadership and responsible citizenship—ideals reflected in communities that are preferred places to call home.

Visit [www.caionline.org](http://www.caionline.org) or call **(888) 224-4321**. Write [government@caionline.org](mailto:government@caionline.org) for information about CAI's public policy activities, including federal regulatory initiatives.

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