

**TERMS AND CONDITIONS**  
**MONTANA VETERANS' HOME LOAN MORTGAGE PROGRAM**  
**Authorized by 90-6-6 M.C.A.**



**Updated December 22, 2017**

**Purpose of Program:**

The objective of the Montana Veterans' Home Loan Mortgage Program (the Program) is to provide first mortgage funds to Montana residents serving or who have served in the military through the federal armed services and the Montana National Guard. The mortgage interest rate is 1% lower than market and assists eligible veterans purchase their first home.

Funds for the Program are provided from the principal of the Montana Coal Tax Trust Fund. The Montana Board of Housing (MBOH) will administer the Program with the Montana Board of Investments (BOI) purchasing the mortgages. The Program is a revolving fund; additional loans will be made as principal is available once the initial funding has been used. The Program is available to qualifying veterans on a first-come, first-serve basis.

**Lender Eligibility:**

Eligible participating lenders are current Participants, as defined in the MBOH Mortgage Purchase and Servicing Guide, who have received a Notice of Acceptance from MBOH for the current program year, and also have an Approved Lender Residential Service Agreement and EFT Agreement with BOI. Individual originators must pass an on-line training course before MBOH will accept a reservation for loan funds. Training for the program is located:

<http://housing.mt.gov/Portals/93/shared/media/Homebuyers/MBOHVetLenderTraining/player.html>

Lender and Program Information: <http://housing.mt.gov/HBVHLP>

**Borrower Requirements:**

1. Borrower must be an eligible veteran under program guidelines. To be eligible, the veteran must be in active service or have been discharged from military service under honorable conditions. Eligibility includes honorable discharge and general discharge, but does not include a dishonorable discharge or other administrative discharge characterized by military regulation as other than honorable. Military Service means: membership in the Montana National Guard, membership in the Federal Reserve forces of the armed forces of the United States pursuant to Title 10 of the U.S. Code, or Service on federal active duty pursuant to Title 10 of the U.S. Code. An un-remarried spouse of an eligible veteran killed in the line of duty is also eligible. Proof of veteran eligibility consists of: copies of current or discharge orders, or military "died in line of duty" death certificate.
2. No income or asset limits for borrowers.

3. Homebuyer must be a first-time homebuyer, i.e., not owned their primary residence. There are no exceptions to this requirement for targeted areas. Prior ownership of factory-made housing, including a manufactured home on a chassis that is not permanently affixed to land owned by the homebuyer will not disqualify a borrower.
4. Borrower must be a resident of Montana as evidenced by copy of previous year's signed filed Montana tax return or a legible copy of a valid Montana Driver's License.
5. Down payments are required. Borrower must have a minimum of \$2,500 of their own funds invested in the transaction. The minimum contribution may be used toward paying for down payment or closing costs.
6. Sweat equity is not counted towards any portion of the \$2,500 investment.
7. Grant or gift funds for down payment and/or closing cost assistance are allowed; however, no portion of grant/gift funds count towards the borrower's \$2,500 required investment.
8. Borrower must complete a first-time homebuyer class approved by MBOH.

### **Property Requirements:**

1. Single-family home.
2. No purchase price limit. The maximum amount of the loan is the amount allowed by the mortgage insurer/guarantor up to 95% of the MBOH statewide purchase price limit under MBOH Regular Bond Program. As of June 16, 2016, the limit is \$241,119.
3. Property must be fee-simple residential property in Montana secured by a first priority trust indenture under the Montana Small Tract Financing Act.
4. Condominiums are not eligible under this program.
5. Manufactured homes may be eligible providing they meet all following requirements:
  - a. Must be de-titled (i.e., no longer registered as personal property in conformance with Montana State statutes as indicated by an endorsement on the title including MV 72 Statement)
  - b. On a permanent foundation certified as meeting FHA requirements
  - c. Double-wide or larger
  - d. Newer than 1976
6. Property must be in full repair prior to purchase of the mortgage loan by BOI.
7. In cases of new construction, property and improvements must be fully completed prior to closing; and value of land cannot exceed 35% of the mortgage loan, as evidenced by appraisal.
8. Hazard Insurance Coverage. Mortgage loans must have coverage in amounts at least equal to the lesser of the full insurable value of the premises or the unpaid principal balance of the Mortgage Loan; provided however that such insurance shall pay in full the amount of any partial or total loss to the full amount of such insurance and shall otherwise be sufficient to prevent the Mortgagor from being a co-insurer. Co-insurer means that the borrower has to cover some portion of the loss themselves. Maximum deductible amount is the greater of \$1,500 or 1% of the dwelling coverage for all perils.

### **Primary Residence Requirements:**

1. Property must be the borrower's primary residence and borrower take occupancy within 60 days of loan closing. Home must be maintained as the borrower's principal residence while any portion of the mortgage loan remains outstanding.
2. MBOH will monitor residency status of borrowers. Failure to respond with documentation of residency in a timely way may cause the loan to be declared immediately due.

Borrowers unable to demonstrate the property is their primary residence will have 12 months to refinance or sell the property. The 12-month period may be extended at the sole discretion of BOI.

### **Mortgage Loan Terms:**

1. Each Mortgage loan shall be fully insured or guaranteed by FHA, VA or HUD 184.
2. The maximum loan amount is the amount allowed by the mortgage insurer/guarantor up to 95% of the MBOH statewide purchase price limit under the MBOH Regular Bond Program. On a case-by-case basis, the Predominant Value (determined by appraisal) will be an additional consideration in establishing the maximum loan amount.
3. All loans must receive “approve/eligible” or other similar high response from automated underwriting. BOI will not accept loans underwritten manually, or containing underwriting exceptions.
4. The fixed rate of interest on the Mortgage Loans shall be 1% lower than the MBOH regular bond program rate or the Fannie Mae 60-day lock rate, whichever is lower, as posted on the MBOH website and updated every two weeks.
5. The term of the Mortgage Loans shall be 30 years and such Mortgage Loans shall provide for complete amortization by maturity with equal monthly payments of principal and interest. Each mortgage loan shall provide for monthly escrow payments in an amount sufficient to enable the servicer to pay when due, all real property taxes and assessments, hazard and casualty insurance premiums and mortgage insurance premiums.
6. Loans will be serviced by the Montana Board of Housing.
7. Title Insurance policy must have extended coverage and be written on the current long form approved by the American Land Title Association. The policy must include endorsements 9.3-06 or 22.1-06, 8.1-06 and, if manufactured housing, 7-06 or 7.1-06 with MV 72 Statement included, issued by a title insurer acceptable to MBOH, and naming **Montana Board of Investments** as named insured.
8. There shall be no cash back allowed at closing.
9. Assumption of the loan may be allowed as long as the assumptor qualifies under the same terms as the original home buyers, and meets requirements of the mortgage insurance/guarantee provider. All assumptions must be approved by BOI using an MBOH-provided assumption package.
10. There is no fee for reservations. Reservations are valid for 60 days for existing homes and 180 days for new construction. Reservations can be extended for 30 days by paying an extension fee of ¼ of 1% of the loan amount, and must be requested in writing at least 5 business days prior to the expiration date of the reservation. Reservations cancelled for reasons other than appraisal problems will be charged a ½ of 1% of the loan amount cancellation fee.
11. Lenders may charge up to 2% origination fees, however charges to the borrower must not exceed what is allowed by the insurer/guarantor.
12. BOI purchases loans at 100%, and does not provide lender compensation.
13. Loan Reservation requests are made by lenders utilizing Lender Online. Funds are not committed by MBOH until required supporting documentation is uploaded and approved by MBOH staff. The checklist of forms and documents specific to the Program is located on Lender On-Line.
14. Lender due diligence is required. At or before requesting reservation of funds on behalf of a borrower, lenders must explain loan criteria and requirements, including obtaining borrower’s signature on the owner-occupancy disclosure form.

15. If a Mortgagor cancels a commitment or reservation for a Mortgage Loan under a program or interest rate offered by MBOH to swap for a loan under a newer program or a lower interest rate, said Mortgagor will cease to be eligible to participate in MBOH administered loan programs.
16. **BOI IS NOT A MEMBER OF MERS, ASSIGNMENTS ARE REQUIRED.** All first mortgage loan Notes and Trust Indentures must be on either Fannie Mae or Freddie Mac accepted loan documents.
17. Loans are purchased by BOI with MBOH acting as Program administrator and servicer.
  - a. Montana Board of Housing will pay 75 basis points of the principal balance purchased for the servicing rights. There will be no interim servicing allowed. The borrower will send their first payment and all subsequent payments to MBOH. Service-release premiums will be remitted to the originator at time of purchase. All documents for the servicing file, including escrow funds and tax service fee, must be received before the loan can be funded.
  - b. Montana Board of Housing does use a tax service. Therefore, a tax service fee in the amount of \$65.00 should be collected at closing and sent to the Board with the purchase package as a separate check, not included in escrow funds collected at closing.
  - c. All documents must contain the following:
    1. **NOTE** endorsed to **Montana Board of Investments, without recourse;**
    2. **Trust Indenture** assigned to **Montana Board of Investments.**
    3. **Hazard and title policies name Montana Board of Investments as investor; Montana Board of Housing as the servicer, using mailing address of:**

**Montana Board of Housing  
P. O. Box 200550  
Helena, MT 59620-0550**
  - d. Only one purchase/servicing file will be delivered to MBOH.
  - e. For this program, the principal balance that BOI will purchase is the note amount. The accrued interest from the first interest payment date, up to but not including the date of purchase, is calculated on the note amount using a 360-day year and actual days in the month, and is included in the disbursement amount. A service fee calculation is also included in the purchase price computation as a deduction and based upon the factor corresponding to the accrued interest purchased.
18. Mortgage loans shall be tendered to MBOH for sale to BOI within 30 days following execution of the note by the mortgagor. Any exceptions must be cleared and the loan approved for purchase within 45 days after closing. If the Lender fails to deliver such loans with all exceptions cleared within 45 days after origination, the purchase price will be reduced by one-half of one percent (0.50%) of the loan amount for each 30 days the loan is not delivered.
19. MBOH may return the purchase package to the originating lender under the following:
  - a. A copy of recorded deed of trust is not included
  - b. The original signed note is not provided
  - c. The original recorded or Clerk and Recorder's certified copy of the Assignment of Trust Indenture to BOI is not provided;
  - d. If lender fails to send in all missing documents at one time, i.e., MBOH won't accept the package if lender sends in missing documents piecemeal;
  - e. If missing documents for purchase package are delayed by more than 45 days.

**Other Provisions:**

Except as outlined above, all terms, conditions, definitions and program criteria applicable to the Regular Bond Program, set out in the Mortgage Purchase and Servicing Agreement <http://housing.mt.gov/Portals/93/shared/docs/Homebuyers/ProgramDocuments/InfoRegsProcedures/purchaseguide.pdf> and the Terms and Conditions of the 2017 Homeownership Program <http://housing.mt.gov/Portals/93/shared/docs/Homebuyers/ProgramDocuments/InfoRegsProcedures/WHOLELOANTERMSANDCONDITIONS2015.pdf> will apply to loans originated under the Montana Veteran's Home Loan Mortgage Program.