



# Multifamily Mortgage Business Lender Letter 21-04

July 1, 2021

To: Multifamily Lenders  
From: Te-Mika Warner, Deputy General Counsel  
Subject: Lender Letter 21-04 – Loan Document Update

## HIGHLIGHTS

Fannie Mae is announcing updates to the Loan Documents which may be used immediately and must be used for all Mortgage Loans with a confirmed Commitment Date on or after August 2, 2021.

### Revised Loan Documents

We have updated our existing forms to better accommodate the enablement of monthly rent roll submissions in connection with Fannie Mae’s digital transformation efforts. Specifically, we modified language in the Multifamily Loan and Security Agreement (the “Loan Agreement”) to facilitate a borrower’s future transition to providing monthly rent rolls, as well as provisions relating to applicable privacy laws consistent with our existing requirements for compliance with laws. We also added provisions to enhance OFAC screening capability, particularly for transfers. See [Exhibit A](#) for details.

### Annotated Loan Agreement

In support of our commitment to enhance delegation for loan document modifications, we are pleased to announce that version 6.0 of the Annotated Multifamily Loan and Security Agreement (the “Annotated Loan Agreement”) will be available by the end of July. Version 6.0 will replace version 5.0 and will conform the Annotated Loan Agreement to the most recently published Loan Agreement. The annotations provide guidance on modifications and alternative language for appropriate additions or substitutions, allowing you to make changes to the Loan Agreement (Form 6001) under the Annotated Document Delegation, as provided in Lender Letter 17-12, for all Mortgage Loans except Credit Facilities. Distribution of the Annotated Loan Agreement is limited to Fannie Mae Multifamily Lenders and their counsel. The Annotated Loan Agreement may be obtained from your Deal Team.

### Effective Date

The revised Loan Documents may be used immediately and must be used for all Mortgage Loans with a confirmed Commitment Date on or after August 2, 2021.

### Contact Us

If you have questions regarding this Lender Letter or the Loan Documents, please contact your Deal Team, or Te-Mika Warner at [te- mika\\_warner@fanniemae.com](mailto:te-mika_warner@fanniemae.com).



## EXHIBIT A: MULTIFAMILY MORTGAGE BUSINESS 6000 SERIES FORM LOAN DOCUMENTS

The following Loan Documents have been revised. Please refer to the marked copies for complete details. The revised Loan Documents are available on the [Multifamily Loan Documents](#) page on FannieMae.com.

Notable Loan Document changes include the following revisions.

- Loan Agreement (6001.NR Series)
  - Sections 6.01(a)(6) and 6.02(e)(7) added a representation and covenant relating to compliance with applicable privacy laws to obtain any necessary tenant consents to provide tenant data.
  - Section 8.02(b) was revised to include provisions to facilitate a transition to furnishing monthly rent rolls, deemed certification of furnished items, and identification of at least 50% aggregate ownership interest upon written request for purposes of confirming compliance with OFAC requirements.
  - Article 11 was revised to incorporate the existing covenants related to economic sanctions, anti-money laundering and anti-corruption into the requirement for Transfers.
  - Section 15.10 was revised to delete a nonspecific Borrower consent.
- Definitions Schedules (6101 Series)
  - The definition of “Sanctioned Person” was revised to include any Person with whom Fannie Mae is legally restricted or prohibited from conducting business.
- Tax Credit Properties (6219)
  - A conforming edit was made to replace the reference to the economic sanctions, anti-money laundering and anti-corruption covenant with a reference to the corresponding transfer covenant.
- Preferred Equity Transaction (6236)
  - The economic sanctions, anti-money laundering and anti-corruption representation and covenant were each revised to include the Preferred Equity Guarantor and the Preferred Equity Investor. The provision that a Transfer cannot violate Section 11.02(b)(2)(D) of the Loan Agreement was added.
- Transfers of Ownership Interests: No Change of Control (6240.T2); Change of Control; Same Key Principal (6240.T3); and Change of Control – Replacement or Divestment of Key Principal (6240.T4)
  - The Transferee Status section was modified to include that the Transfer cannot result in a violation of Section 11.02(b)(2)(D) of the Loan Agreement.
- Annual Loan Agreement Certification (Borrower) (6620.Borrower)
  - A provision corresponding to Article 8 of the Loan Agreement was added for the identification of any additional indirect owners necessary to show aggregate interests of at least 50% in Borrower.

### REVISED Documents:

### Core Loan Documents:

6001.NR	Multifamily Loan and Security Agreement (Non-Recourse) (Standard Form)	<a href="#">marked copy</a>
6001.NR.ML	Multifamily Loan and Security Agreement (Non-Recourse) (Master Lease)	<a href="#">marked copy</a>
6001.NR.SRS	Multifamily Loan and Security Agreement (Non-Recourse) (Seniors Housing)	<a href="#">marked copy</a>
6001.R	Multifamily Loan and Security Agreement (Recourse) (Standard Form)	<a href="#">marked copy</a>

**Loan Agreement Schedules:**

6101.ARM 5/5 (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- ARM 5/5 (SOFR))	<a href="#">marked copy</a>
6101.ARM 7/6 (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- ARM 7/6 (SOFR))	<a href="#">marked copy</a>
6101.ARM.ML 5/5 (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- ARM 5/5 (SOFR)) (Master Lease)	<a href="#">marked copy</a>
6101.ARM.ML 7/6 (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- ARM 7/6 (SOFR)) (Master Lease)	<a href="#">marked copy</a>
6101.ARM.SRS 5/5 (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- ARM 5/5 (SOFR)) (Seniors Housing)	<a href="#">marked copy</a>
6101.ARM.SRS 7/6 (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement - Definitions Schedule (Interest Rate Type - ARM 7/6 (SOFR)) (Seniors Housing)	<a href="#">marked copy</a>
6101.FR	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- Fixed Rate)	<a href="#">marked copy</a>
6101.FR.ML	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type Fixed Rate) (Master Lease)	<a href="#">marked copy</a>
6101.FR.SRS	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- Fixed Rate) (Seniors Housing)	<a href="#">marked copy</a>
6101.HYARM (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- Hybrid ARM (SOFR))	<a href="#">marked copy</a>
6101.SARM (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- Structured ARM (SOFR))	<a href="#">marked copy</a>
6101.SARM.ML (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- Structured ARM (SOFR)) (Master Lease)	<a href="#">marked copy</a>
6101.SARM.SRS (SOFR)	Schedule 1 to Multifamily Loan and Security Agreement -- Definitions Schedule (Interest Rate Type -- Structured ARM (SOFR)) (Seniors Housing)	<a href="#">marked copy</a>

**Loan Agreement Modifications:**

6219	Modifications to Multifamily Loan and Security Agreement (Tax Credit Properties)	<a href="#">marked copy</a>
6236	Modifications to Multifamily Loan and Security Agreement (Preferred Equity Transaction)	<a href="#">marked copy</a>
6240.T2	Modifications to Multifamily Loan and Security Agreement (Transfers of Ownership Interests; No Change of Control)	<a href="#">marked copy</a>
6240.T3	Modifications to Multifamily Loan and Security Agreement (Transfers of Ownership Interests; Change of Control; Same Key Principal)	<a href="#">marked copy</a>
6240.T4	Modifications to Multifamily Loan and Security Agreement (Transfers of Ownership Interests; Change of Control – Replacement or Divestment of Key Principal)	<a href="#">marked copy</a>

**Asset Management Documents:**

6620.Borrower	Annual Loan Agreement Certification (Borrower)	<a href="#">marked copy</a>
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