In Case You Missed It 2023

A summary of *Selling Guide, Servicing Guide,* and other policy communications

What you need to know

This document summarizes recent *Selling Guide, Servicing Guide*, and related policy updates, clarifications, or other supporting communications. It provides links to related resources as applicable. **Looking for last year's policy updates? Review the** <u>final 2022 ICYMI</u>.

We made many of these changes and communications in direct response to lender feedback requesting that we simplify or clarify policies or processes.

How to read this document



Most recent up top

The most recent items are listed first in the table below.



Quick reference

This Lender Letter, published before 2023, is still in effect:

LL-2021-10: Expanding Refinance Eligibility with RefiNow™



Acronyms and abbreviations

CU: Collateral Underwriter[®] (CU[®])

DU/DO: Desktop Underwriter^{*} (DU^{*}) and/or Desktop Originator^{*} (DO^{*})

LL: Lender Letter (reinforces existing policy or describes temporary policies)

SEL: Selling Guide Announcement

SVC: Servicing Guide Announcement

Look for what's most relevant to you Appraisals

- Loan Delivery
- Risk Management/Quality Control
- Servicing Servicing-specific publications are also highlighted with a gray background
- Technology
- Underwriting
- Other

Fannie Mae's *Selling* and *Servicing Guides* and their updates, including *Guide* announcements and release notes, are the official statements of Fannie Mae's policies and procedures and control in the event of discrepancies between the information provided in this summary and the *Guides*.





	<u>SVC-2023-06</u> (12/20/2023)	 Financial reporting requirements 	Advised large non-depository sellers/servicers of updates to the frequency of financial reporting requirements
48		Miscellaneous updates	 Retirement of SURF[™] Required net yield* Title transfers involving LLCs* Adverse Action Notice* Special Lender Approval Form *Policy change not applicable to reverse mortgage loans.
47	<u>DU/DO Release</u> <u>Notes</u> (12/13/2023)	DU version 11.1	 During the weekend of Feb. 10, 2024, Fannie Mae will update Desktop Underwriter[®] (DU[®]) Version 11.1, which will include the changes described below. Unless specified below, the changes in this release will apply to DU Version 11.1 loan casefiles submitted or resubmitted on or after the weekend of Feb. 10, 2024. The changes in this release included the following: Rent Payment Identification on Third-Party Asset Reports Updates to Align with the <i>Selling Guide</i>
46	<u>SEL-2023-11</u> (12/13/2023)	Income Calculator	Allowed optional use of Income Calculator to determine the monthly qualifying income for self- employed borrowers.
		Verification of employment alternatives	Permitted lenders to use alternative options to meet verbal verification of employment requirements.

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		Restricted stock units and restricted stock	Added requirements to consider this form of compensation as eligible income.
		Using nontaxable income to adjust the borrower's gross income	Allowed the lender to gross-up certain nontaxable income without providing additional documentation.
		Certified Shared Equity Program List	Incorporated a list of programs into policy to assist lenders with their review of shared equity providers and transactions.
		Financial reporting requirements	Required large non-depository sellers/servicers to report the <i>Mortgage Banker's Financial Report Short Form</i> (Form 1002A) monthly.
		 Sale of eMortgages to Fannie Mae 	Incorporated <i>The Guide to Delivering eMortgages to Fannie Mae</i> into the <i>Selling Guide</i> and clarified the use of special purpose legal documents.
		Requirements for use of attorney title opinion letters	Permitted lenders to obtain either a lender's title insurance policy or, in limited circumstances, an attorney title opinion letter.
		 Miscellaneous updates 	 Remote online notarization Number of borrowers in Desktop Underwriter[®] (DU[®])
	<u>SVC-2023-05</u> (Updated on 11/29/2023)	Loan Modification Agreement	Updated to remove the section related to Form 3179 that was published on Oct. 11, 2023, and reposts the version of Form 3179 that was in effect prior to Oct. 11. Servicers must continue to use the prior version of Form 3179, which must be modified as needed to comply with applicable federal, state, and local law. *New
45		Firm minimum requirements	Updated Fannie Mae's minimum requirements for all law firms selected and retained for default- related legal services for all conventional and government single-family mortgage loans held in Fannie Mae's portfolio and MBS pool mortgage loans guaranteed by Fannie Mae.
		Miscellaneous updates	 Incorporated LL-2023-04, removal of HAMP references, and other updates

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			 Reapplying principal payments to cure a delinquency*
			*Policy change not applicable to reverse mortgage loans.
		Employment offers or contracts	Prohibits an employment offer or contract for future employment from a family member or interested party to the transaction.
		Lender staffing, training, and policies and procedures	Updated general lender requirements regarding lender staffing, training, and policies and procedures to maintain seller/servicer eligibility.
44	<u>SEL-2023-10</u> (11/01/2023)	Shared appreciation	Clarified the policy in regard to an unauthorized transfer of ownership or change in occupancy status.
		Special Lender Approval Form	Updated the <i>Special Lender Approval Form</i> (Form 1000A) to make it easier for lenders to apply to sell or acquire servicing for HomeStyle [®] Renovation Mortgages. The updated form will provide an option for standard or conditional approval depending on whether the lender will manage the renovation services in-house or leverage a third-party vendor.
	<u>DU/DO Release</u> <u>Notes</u> (10/25/2023)		During the weekend of Nov. 18, 2023, Fannie Mae will update Desktop Underwriter [®] (DU [®]) Version 11.1, which will include the changes described below. Unless specified below, the changes in this release will apply to DU Version 11.1 loan casefiles submitted or resubmitted on or after the weekend of Nov. 18, 2023.
4.2			The changes in this release included the following:
43		DU version 11.1	 LTV Ratios Risk and Eligibility Assessment *New
	(_0/_0/_0/_0/		 HomeStyle[®] Energy
			 Social Security Number Message Retirement
			 Liability Payment includes Taxes and Insurance Indicator
			 Updates to Align with the Selling Guide
	LL-2023-08	Representation and Warranty	
42	(10/18/2023)	Enforcement Relief Loans Impacted COVID-19	At the direction of our regulator, the Federal Housing Finance Agency (FHFA), and in alignment with Freddie Mac, loans previously or currently in a COVID-19 forbearance may be eligible for

			relief from enforcement of representations and warranties using the criteria that apply to loans subject to a disaster-related forbearance in <i>Selling Guide</i> <u>A2-3.2-02</u> , Enforcement Relief for Breaches of Certain Representations and Warranties Related to Underwriting and Eligibility (the "framework").
		Loan Modification Agreement	Updated the <i>Loan Modification Agreement</i> (Form 3179) with additional instructions in response to New York's Foreclosure Prevention Act and to include a defense waiver provision.
41	<u>SVC-2023-05</u> (10/11/2023)	Firm minimum requirements	Updated Fannie Mae's minimum requirements for all law firms selected and retained for default- related legal services for all conventional and government single-family mortgage loans held in Fannie Mae's portfolio and MBS pool mortgage loans guaranteed by Fannie Mae.
		Miscellaneous updates	 Incorporated LL-2023-04, removal of HAMP references, and other updates Reapplying principal payments to cure a delinquency* *Policy change not applicable to reverse mortgage loans.
40	<u>DU/DO Release</u> <u>Notes</u> (10/04/2023)	DU version 11.1	During the weekend of Nov. 18, 2023, Fannie Mae will update Desktop Underwriter [®] (DU [®]) Version 11.1, which includes the changes described below. The changes in this release applies to DU Version 11.1 loan casefiles submitted or resubmitted on or after the weekend of Nov. 18, 2023. The changes in this release included the following: LTV Ratios
			 HomeStyle[®] Energy Social Security Number Message Retirement Liability Payment includes Taxes and Insurance Indicator Updates to Align with the <i>Selling Guide</i>
	SEL-2023-09	Rental Income	Updated documentation requirements for rental income used towards qualifying.
39	(10/04/2023)	Self-employed borrowers	Allows less than 24-month history of self-employment and one year of personal and business tax returns if certain criteria are met.

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		 Manufactured housing data plate 	Requires either the HUD Data Plate or the HUD Certification Label information be provided in the appraisal report for existing properties.
		Value acceptance + property data	Clarified policy that property data collection must be obtained and submitted to Property Data API prior to the note date.
		Miscellaneous updates	 Changes to prefunding quality control sampling requirements Thresholds for post-purchase adjustment of loan-level price adjustments
		Personal gifts and gifts of equity	Clarified requirements when the donor is the seller of the property and when the source of the gift is an estate or trust.
38	<u>SEL-2023-08</u>	3D printed homes	Clarified property eligibility and comparable sales requirements for 3D printed homes.
30	(09/06/2023)	Trust income	Updated the policy for using income earned from a trust towards qualifying.
		Miscellaneous updates	 Removal of closing protection letter requirement for manufactured homes Shared application provider requirements
37	<u>LL-2023-05</u> (08/30/2023)	Master Servicing processes and systems	Updated policies previously published in LL-2021-12 on Dec. 14, 2022, communicating the specific effective date for retirement of the SURF™ application and target effective date for Cash Simplification changes.
36	<u>LL-2023-07</u> (08/09/2023)	COVID-19 Payment Deferral and Fannie Mae Flex Modification for COVID-19 Impacted Borrowers	Updated policies previously published in LL 2021-07. For evaluations on and after Nov. 1, 2023, the Quality Right Party Contact (QRPC) flexibility will be removed when evaluating borrowers for a COVID-19 payment deferral or flex modification. Eligibility criteria for these options, including with respect to delinquency reporting, will be revised to facilitate their retirement, along with the announcement of a final evaluation date, and modification effective date for a Flex Modification for COVID-19 impacted borrowers.
35	<u>LL-2023-04</u> (08/09/2023)	Payment Deferral, Disaster ■ Payment Deferral, and Other Updates	Updated the standard payment deferral workout options. Key changes include allowing the deferral of at least two and up to six months of past due principal and interest (P&I) payments, including escrow and servicing advances paid to third parties. The borrower may not defer more

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			than 12 months of cumulative past-due P&I payments over the life of the loan. Servicers may implement these changes starting July 1 but must implement by Oct. 1.
34	<u>LL-2023-03</u> (08/09/2023)	Impact of COVID-19 on Servicing	 We are retiring certain servicing policies related to COVID-19 that were previously published in LL-2021-02, including: use of reason for delinquency code 022, Energy-Environment Costs, as an available reason for delinquency code for new hardships identified on and after Nov. 1, 2023. the COVID-19 related d forbearance plan flexibilities and reverting to the policy as specified in the <i>Servicing Guide</i> when evaluating the borrower for and offering a new forbearance plan or forbearance plan extension.
			 the flexibility with regard to achieving QRPC when evaluating the borrower for a workout option prior to expiration of a COVID-19 related forbearance plan. The effective dates for these policy change s are communicated in the respective topics of the Lender Letter.
	<u>SEL-2023-07</u> (08/02/2023)	Appraiser and Property Data Collector Independence Requirements	Updated the Appraiser Independence Requirements and introduced Property Data Collector Independence Requirements.
33		Miscellaneous updates	 Military addresses for credit reports Requirements for special servicer approval via Servicing Marketplace™ Triparty wiring instruction agreement
32	DU/DO Release Notes (07/12/2023)	DU version 11.1	 During the weekend of Aug. 19, 2023, Fannie Mae will update Desktop Underwriter[®] (DU[®]) Version 11.1, which will include the changes described below. The changes in this release will apply to DU Version 11.1 loan casefiles submitted or resubmitted on or after the weekend of Aug. 19, 2023. The changes in this release included the following: Technical Updates Property and Appraisal Updates *New DU Validation Service Update *Updated New Duty to Serve Message *New

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			 Updates to Align with the Selling Guide
		Requirements for partial release of security	Updated the requirements for evaluating a request for the release, or partial release, of property securing a mortgage loan.
31	<u>SVC-2023-04</u> (07/12/2023)	 Updates to the Request for Approval of Servicing or Subservicing Transfer 	Updated <i>Request for Approval of Servicing or Subservicing Transfer</i> (Form 629) with a new data element.
		Miscellaneous updates	 Automated Clearing House banking instructions Insured loss events
	<u>SEL-2023-06</u> (07/05/2023)	Review requirements for condo and co-op project eligibility	Updated project standards policies for properties in need of critical repairs and special assessments.
30		Eligibility requirements forlimited cash-out refinance transactions	Requires at least one borrower to be a current owner of the subject property.
		■ Sale of loans aged six month or less	Incorporates eligibility requirements for the sale of loans aged six months or less.

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29	<u>DU/DO Release</u> <u>Notes</u> (06/07/2023)	DU version 11.1	Effective the weekend of Aug. 19, 2023, Fannie Mae updated Desktop Underwriter [®] (DU [®]) Version 11.1, which includes the changes described below. The changes in this release applied to DU Version 11.1 loan casefiles submitted or resubmitted on or after the weekend of Aug. 19, 2023. The changes in this release included the following: Technical Updates
			 DU Validation Service Update Updates to Align with the Selling Guide
	<u>SEL-2023-05</u> (06/07/2023)	Manufactured homes – temporary interest rate buydown	Allowed temporary interest rate buydowns for mortgages secured by manufactured homes.
28		Qualifying rate for 7- and 10- year ARMs	Allowed 7- and 10-year ARM borrowers to be qualified using only the note rate.
		Acceptable uses for limited cash-out refinance transactions	Added clarifying details for amounts that may be included with the payoff of existing loans.
		Miscellaneous updates	 Updated requirements for credit reports Updated Cash Remittance System forms
27	<u>Selling Notice</u> (05/31/2023)	Area Median Incomes 2023	Effective June 12, 2023, the 2023 area median income estimates (AMIs) will be implemented in Desktop Underwriter [®] (DU [®]), HomeReady [®] Application Programming Interfaces (API), Loan Delivery, the <u>Area Median Income Lookup Tool</u> , and published on the HomeReady [®] , RefiNow [®] , and Duty to Serve pages.

26	<u>Selling Notice</u> (05/24/2023)	Effective Date for Main Living Area Photographs in Appraisals	Required the full complement of main living area and basement photographs for appraisals in loan applications dated on or after Sept. 1, 2023.
25	<u>LL-2023-06</u> (05/17/2023)	Recission of Loan-level Price Adjustments Based on DTI Ratio	Rescinded the debt-to-income (DTI) ratio loan-level price adjustment (LLPA) attribute that was scheduled to apply to loans purchased on and after Aug. 1, 2023.
		Servicing responsibilities for mortgage loans with resale restrictions or shared equity provisions	Introduced and clarified requirements for servicing mortgage loans subject to resale restrictions or shared equity provisions.
24	<u>SVC-2023-03</u> (05/10/2023)	Automation of the Non- Routine Litigation Form	Updated the link to require electronic submission.
		New York Consolidation, Extension, and Modification Agreement	Provided updated requirements for refinancing an eNote.
		Elimination of the MERS [®] system requirement for eMortgages	Removed the requirement that sellers/servicers must register the lien on MERS.
23	<u>SEL-2023-04</u> (05/03/2023)	Shared equity and shared appreciation	Revised the requirements for loans with shared equity or shared appreciation provisions.

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		Subordinate financing	Clarified eligibility requirements for subordinate liens.
		Alternatives for tax filing documentation	Allowed alternative documentation for IRS Form 4868 as evidence the borrower has filed an extension for the prior year's tax returns.
22	<u>LL-2023-05</u> (04/19/2023)	 Master Servicing processes and systems 	Contains policies previously published in LL-2021-12 on Dec. 14, 2022, with the changes noted within. Provided advance notice of upcoming changes to our Master Servicing processes and systems. These changes include the retirement of the Servicer's Reconciliation Facility [™] (SURF [™]) application in 4Q 2023.
21	<u>SVC-2023-02</u> (04/12/2023)	Miscellaneous updates	 The Servicing Guide was updated to include changes related to the following miscellaneous updates: Loan property address changes* Compliance with requirements and laws Disaster Response Network[™] and Know Your Options[™] references Additionally, we published certain borrower-facing documents in relation to LL-2023-04.* *Policy change not applicable to reverse mortgage loans
	<u>SEL-2023-03</u> (04/05/2023)	Medical collections	Aligned <i>Guide</i> policy for the treatment of medical collections with the risk assessment performed by Desktop Underwriter [®] .
20		Compliance with Office of Foreign Assets Control regulations	Added reporting requirements for penalties and enforcement actions.
		Use of earned real estate commission	Allowed the use of a borrower's earned real estate commission for down payment and closing costs.
		Miscellaneous updates	HERA and the Minority and Women Inclusion Rule; DU® minimum reserve requirements.

Other

19	<u>LL-2023-04</u> (03/29/2023)	Payment Deferral, Disaster Payments Deferral, and Other Updates	Provided an update to the standard payment deferral workout option. Key changes include allowing the deferral of at least two and up to six months of past due principal and interest (P&I) payments, including escrow and servicing advances paid to third parties. The borrower may not defer more than 12 months of cumulative past-due P&I payments over the life of the loan. Servicers may implement these changes starting July 1 but must implement by Oct. 1.
18	<u>DU/DO Release</u> <u>Notes</u> (03/24/2023)	DU version 11.1	Updated the date in the "Note" to reflect that DU messages regarding the value acceptance + property data option will only be issued on new loan casefiles created on or after April 16 , 2023.
17	<u>LL-2023-01</u> (03/22/2023)	New Loan Level Price Adjustment Framework	This updated Lender Letter provides information about future changes to loan-level price adjustments (LLPAs) and an overall redesign of the LLPA matrix. It will be effective for all whole loans purchased on or after May 1, 2023, and for loans delivered into MBS with issue dates on or after May 1, 2023, with the exception of the DTI ratio LLPA, which will be effective Aug. 1, 2023.
16	<u>DU for</u> <u>Government</u> <u>Loans Release</u> <u>Notes</u> (03/09/2023)	DU for government loans	Updated to include a new release date. The release will no longer take place the weekend of March 18, but will be implemented the weekend of April 15.
15	<u>LL-2023- 03</u> (03/08/2023)	 Impact of COVID-19 on Servicing 	Removed property inspections and preservation as these policies have been superseded by recent updates in the <i>Servicing Guide</i> and <u>Property Preservation Matrix and Reference Guide</u> .

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14	<u>LL-2023-02</u> (03/08/2023)	Private Transfer Fee Covenants: Exception for Certain Shared Equity Transactions	Revised our requirements for the purchase of shared equity loans in relation to the Private Transfer Fee Covenant Regulation (12 CFR Part 1228). With FHFA's concurrence, we updated our policy to permit the acquisition of shared equity loans satisfying the conditions set out below secured by properties that are subject to private transfer fee covenants. The new policy for shared equity loans subject to private transfer fee covenants is effective for all such loans with note dates on or after July 1, 2023.
	SVC 2022 01	Pre-foreclosure property preservation	Updated property inspections and preservation expense reimbursement limits and guidance.
13	<u>SVC-2023-01</u> (03/08/2023)	Miscellaneous updates	 Clarified reimbursement of costs paid to a third-party vendor for electronic filing and recording Incorporated the requirements introduced in Lender Letter LL-2022-04 into the <i>Selling Guide</i> Corrected the Louisiana allowable foreclosure attorney fee
12	<u>Servicing Notice</u> (03/08/2023)	Legacy LIBOR Replacement Index	Updated the naming convention for the Replacement Index Name and Refinitiv Instrument Code (RIC) to align them with updated information provided by Refinitiv Limited.
	<u>SEL-2023-02</u> (03/01/2023)	Valuation modernization	Transitioned to a range of options to establish a property's market value, with the option matching the risk of the collateral and loan transaction.
		Sweat equity	Provided additional guidance on the use of sweat equity and nonprofit program providers.
11		Lender quality control updates	Revised timelines and expectations for both prefunding and post-closing quality control reviews.
		Required use of Condo Project Manager™	Required the use of CPM™ for projects where a Lender Full Review is required.
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		Miscellaneous updates	 Maintaining seller/servicer eligibility HomeStyle[®] Renovation indicator Government loan guaranty or insurance
10	<u>DU/DO Release</u> <u>Notes</u> (03/01/2023)	DU version 11.1	 During the weekend of April 15, 2023, Fannie Mae will update Desktop Underwriter[®] (DU[®]) Version 11.1, which will include the changes described below. The changes in this release will apply to DU Version 11.1 loan casefiles submitted or resubmitted on or after the weekend of April 15, 2023. The changes in this release include the following: Valuation Modernization DU Validation Service Updates Updates to Align with the Selling Guide
9	<u>LL-2021-03</u> (02/15/2023)	Impact of COVID-19 on Originations	 Updated Lender Letter LL-2021-03, Impact of COVID-19 on Originations: Retired the verification of employment temporary policy and temporary eligibility requirements for purchase and refinance transactions. All standard Selling Guide policies now apply. The policy for sale of loans aged six months or less is now permanent policy and will be incorporated into the Selling Guide in a future update.
8	<u>DU for</u> <u>Government</u> <u>Loans Release</u> <u>Notes</u> (02/15/2023)	DU for government loans	 During the weekend of Mar. 18, 2023, Desktop Underwriter[®] (DU[®]) for government loans will be updated to support FHA and VA changes including: VA Message Updates New FHA Version 4.1 FHA Required Investment Calculation Change and Other FHFA Updates FHA Positive Rental History
7	<u>SCIF</u> (02/07/2023)	Supplemental Consumer Information Form Requirement Reminder	Reminded that at the direction of the Federal Housing Finance Agency (FHFA), Fannie Mae and Freddie Mac (the GSEs) announced on May 3, 2022 that the Supplemental Consumer Information Form (SCIF Fannie Mae/Freddie Mac Form 1103) will be a required document in

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			the loan file for new conventional loans sold to the GSEs with application dates on or after March 1, 2023.
6	<u>SEL-2023-01</u> (02/01/2023)	Cash-out refinance eligibility	Implemented new eligibility requirements for cash-out refinance transactions.
		Enhancements to support borrowers with nontraditional credit	Aligned policy with eligibility expansions to the cash flow assessment and other risk factors evaluated by DU.
		MH Advantage [®] comparables	Expanded policy to include use of site-built comparables.
		Miscellaneous updates	Loan-level price adjustment updatesDU recommendations
		Updated list of Approved Mortgage Insurance Forms	Incorporated changes to approved mortgage insurance forms.
5	<u>Servicing Notice</u> (01/25/2023)	Legacy LIBOR Replacement Index	Announced that the replacement index that will be used for servicing our legacy single-family LIBOR mortgage loans is the spread-adjusted term SOFR administered by the CME Group Benchmark Administration, LTD. and published by Refinitiv Limited. The Federal Reserve Board selected the replacement rates as required by the Adjustable Interest Rate (LIBOR) Act and in anticipation of LIBOR's cessation on the day after June 30, 2023.
4	DU/DO Release <u>Notes</u> (01/25/2023)	DU version 11.1	 During the weekend of Feb. 25, 2023, Fannie Mae will implement Desktop Underwriter® (DU®) Version 11.1, which will include changes to: DU Risk and Eligibility Assessment Update HomeStyle® Renovation Update Rent Payment Identification on Third-Party Asset Verification Reports Cash Flow Assessment
			Updates to Align with the Selling Guide

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			Retirement of DU Version 10.3
			The changes in this release will apply to new loan casefiles submitted to DU on or after the weekend of Feb. 25, 2023. Loan casefiles created in DU Version 11.0 and resubmitted after the weekend of Feb. 25 will continue to be underwritten through DU Version 11.0.
3	<u>LL-2023-01</u> (01/19/2023)	 New Loan Level Price Adjustment Framework 	Information about future changes to loan-level price adjustments (LLPAs) and an overall redesign of the LLPA matrix. The updated LLPAs will be effective for all whole loans purchased on or after May 1, and for loans delivered into MBS with issue dates on or after May 1.
2	<u>RDC-2023-01</u> (01/09/2023)	Document Custodian Notice	 Independent Audit Requirements for Document Custodians Update to Requirements for Document Custodian (RDC) Section 9.2.2 - eNotes Delivered Subject to A Security Interest
1	<u>DU for</u> <u>Government</u> <u>Loans Release</u> <u>Notes</u> (01/04/2023)	DU for government loans	 During the weekend of Jan. 21, 2023, Desktop Underwriter[®] (DU[®]) for government loans will be updated to support FHA and VA changes including: DU Address standardization on VA loans FHA Loan Limits VA 2023 County Loan Limit Changes