

**Public reporting** burden for this collection of information is estimated to average 0.5 hour(s). This includes the time for collecting, reviewing, and reporting the data. The information is being collected to obtain the supportive documentation which must be submitted to HUD for approval, and is necessary to ensure that viable projects are developed and maintained. The Department will use this information to determine if properties meet HUD requirements with respect to development, operation and/or asset management, as well as ensuring the continued marketability of the properties. This agency may not collect this information, and you are not required to complete this form unless it displays a currently valid OMB control number.

**Warning:** Any person who knowingly presents a false, fictitious, or fraudulent statement or claim in a matter within the jurisdiction of the U.S. Department of Housing and Urban Development is subject to criminal penalties, civil liability, and administrative sanctions.

## Survey Instructions

### I. Standards of Performance

Surveys must be made in compliance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys (Effective February 23, 2011), as adopted by the American Land Title Association and the American Congress on Surveying and Mapping ("Minimum Standard"). The document referenced can be found at <http://alta.org/forms>.

Of the additional responsibilities enumerated within Table A - Optional Survey Responsibilities and Specifications (pages 8 through 10 of the Minimum Standard), the survey will comply with the following items: **1, 2, 3, 4, 6a, 6b, 7a, 8, 9, 10a, 10b, 11b, 12, 13, 16, 17, 18, 19, and 20a.**

In addition, the survey must comply with the following requirements when applicable:

- A. If a change to the building's footprint is proposed, OR if any portion of the site contains a Special or Moderate flood hazard area (including 500-year), wetland, or Coastal High Hazard Area, the survey must also comply with Table A, item 5. Contours may not exceed 1-foot vertical intervals, except that 2-foot and 5-foot vertical intervals may be used where the mean site gradient exceeds 5 percent and 10 percent, respectively. Where curbs and/or gutters exist, show top of curb and flow line elevations.
- B. If any portion of the site is in a Special or Moderate flood hazard area, the survey will:
  1. show the boundaries of the 1 percent annual chance flood area (100-year), 0.2 percent annual chance flood area (500-year), floodways, and coastal high hazard areas on site, and
  2. indicate floodplain elevation, and
  3. show the site elevation at the building entrances, lowest habitable finished floor, and basement for each primary building.

Take flood hazard elevations from the applicable Federal Flood Insurance Rate Map. Where such is not available, take the elevations from available State or local equivalent

data, or when not available, work in conjunction with borrower's engineer to determine. 223f refinances need not show the 500-year flood elevations.

- C. If a blanket easement covers the subject property (e.g. a utility easement with an unspecified location), show on the map/plat the location of the current installation that is located within or traverses the property under provisions of a blanket easement. To the extent a blanket easement covers more than the subject property, the portions of that blanket easement that extend beyond the bounds of the subject property need not be shown on the map/plat.
- D. Indicate the following basic information:
  - Project Name
  - Name of the jurisdiction in which the project is located,
  - Area of the site, in both acres and square feet,
  - Whether adjacent streets are public or private,
  - Legal description, and
  - Ownership of adjacent parcels.
- E. The survey must show the entire site. If the project includes offsite beneficial easements or licenses, please consult with the Office of Residential Care Facilities (“ORCF”) for the applicable survey requirements.
- F. The standard certification required as part of the Minimum Standard will include by name the U.S. Department of Housing and Urban Development (HUD), in the space entitled “(names of others as negotiated with the client)”.

## **II. Date of the Survey and Borrower’s Survey Certification**

Current surveys are required for all mortgage insurance programs. The date of the survey (or most recent update) must be within 120 days prior to the closing date, except when permitted to use a preexisting survey as outlined herein. Whether prepared for HUD originally or not, a preexisting survey may be submitted in lieu of a new survey when all of the following conditions are met:

- A. The title company will accept the prior survey in issuing the policy of title insurance and exclude any title policy survey exception.
- B. There has not been a material change in the legal description of the property since the date of the existing survey (e.g. due to a partial release, the addition of property or both).
- C. No new easements or recorded agreements affecting the property have been granted since the date of the existing survey (other than blanket easements or other easements that clearly do not conflict with use of project facilities, as determined by HUD on a case by case basis). If new beneficial easements or licenses have been accepted, please consult with ORCF about the need for a new survey.
- D. No additional improvements (including driveways and parking areas) have been constructed on the property since the date of the existing survey.

- E. Copies of the most recently signed and certified as-built survey are supplied (need not be originals).
- F. There are no new encroachments either way across the property lines.
- G. A signed Borrower's Survey Certification is submitted to HUD in the form attached hereto.
- H. The Standards of Performance listed under item I above are met. ORCF can accept surveys dated prior to February 23, 2011 which conform to survey instructions in place at the time the survey was conducted. HUD-92457 (now obsolete) is a good indicator of the rules in place at the time of 2005 ALTA/ACSM requirements.

### **III. Exceptions**

Notwithstanding the above, and provided that the title company will accept the prior survey in issuing the policy of title insurance otherwise required at endorsement by HUD, and delete the title policy survey exception,

- A. HUD may determine that a survey will not be required with respect to a project if HUD determines that the failure to obtain a current survey will not adversely affect HUD's interest, and
- B. Where HUD determines it to be appropriate, HUD may accept a survey that is not prepared to the ALTA/ACSM Land Title Survey Standards identified above (*e.g.* the project involves scattered sites and the cost of obtaining current ALTA/ACSM surveys is significant in the context of the size of the transaction).

**Survey Instructions and  
Borrower's Certification**  
Section 232

**U.S. Department of Housing  
and Urban Development**  
Office of Residential  
Care Facilities

OMB Approval No. 9999-9999  
(exp. mm/dd/yyyy)

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**Re: To be used when submitting a preexisting or expired survey**

To: U.S. Department of Housing and Urban Development ("HUD")	Project Name: _____
And to: _____ ("Lender")	FHA Project Number: _____

\_\_\_\_\_, a(n)\_\_\_\_\_ organized and existing under the laws of \_\_\_\_\_, (the "Borrower"), the borrower of the above-referenced project (the "Project") located in \_\_\_\_\_, \_\_\_\_\_ County, \_\_\_\_\_, (the "Property"), hereby certifies to HUD and Lender as follows:

1. The Project will be financed with the proceeds of a mortgage loan (the "Loan") from the Lender to the Borrower, which Loan will be insured by HUD under Section \_\_\_\_\_ of the National Housing Act, as amended. This Borrower's Certification is given in order to induce (i) the Lender to make the Loan and (ii) HUD to provide mortgage insurance with respect to the Loan.
2. The as-built survey of the Property was prepared by \_\_\_\_\_, dated as of \_\_\_\_\_, 20\_\_ (the "Existing Survey").
3. There has been no material change in the legal description of the Property since the date of the Existing Survey.
4. The floodplain, wetland, and Coastal High Hazard Area designations on the survey are still correct. If they have changed an updated survey will be required. Identify Flood Map and effective date used in this determination: [Map number & date].
5. Except as set forth in an attachment to this document, to be entitled Exhibit A:
  - a. No new easements or other recorded property use restrictions affecting the Property have been granted since the date of the Existing Survey.
  - b. No additional improvements (including driveways and parking areas) have been constructed on the Property since the date of the Existing Survey.
  - c. No improvements have been removed.
  - d. There are no new encroachments either way across the property lines.
  - e. No illegal dumping has occurred on the site since the creation of the survey.
  - f. No new recorded property agreements affecting the property have been granted since the date of the Existing Survey.
6. If at any point prior to final closing a newer land survey is produced, updated, or revised, the undersigned agrees to supply HUD with a copy of such.

These statements have been made, presented, and delivered for the purpose of influencing an official action of the FHA, and of the Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein.

Date: \_\_\_\_\_, 20\_\_\_\_\_

**BORROWER**

\_\_\_\_\_  
a(n) \_\_\_\_\_  
 By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_