

**HUD Survey Instructions,
Surveyor's Report, and
Borrower's Survey Certification**
Section 242

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

OMB Approval No. 2502-0602
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Public Burden Statement:

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information requested is required in order to receive the benefits to be derived. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Housing and Urban Development, Office of the Chief Data Officer, Attention: Departmental Clearance Officer, 451 7th Street SW, Room, Washington, DC 20410 or email Hospitals@hud.gov. HUD collects this information, pursuant to Section 242 of the National Housing Act and regulations at 24 CFR Part 242, in order to review Section 242 applications to determine eligibility, underwrite insured hospital loans, ensure adequate collateral, process initial/final endorsement, manage FHA's hospital portfolio, monitor and manage risk, and ensure ongoing compliance with regulations. No confidentiality is assured.

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..

Standards of Performance: In every instance the survey and survey plat(s) and/or map(s)/must be made in accordance with the requirements for an "ALTA/NSPS Land Title Survey" and in compliance with the:

A. 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adapted by the American Land Title Association and the National Society of Professional Surveyors;

B. Table A, Optional Survey Responsibilities and Specifications, thereof, items 1, 2, 3, 4, 6a, 6b, 7a, 8, 9, 10, 11a, 12, 13, 16, 17, and 18.

C. And the following requirements as applicable:

1. **Wetland Delineation Involved:** Optional Item 20 of Table A must be amended as follows: "If there has been a field delineation of wetlands conducted by a qualified specialist hired by the client, the surveyor must locate any delineation markers observed in the process of conducting the fieldwork and show them on the face of the plat or map. If no markers were observed, the surveyor must so state."
2. **Site Grading:** 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.
3. **Condominium/Air-rights Involved:** The surveyor must provide a survey made in accordance with any Property

Jurisdiction requirements or, in the absence of such requirements, professionally recognized standards.

4. **Flood Hazard Involved:** If any portion of the site is in a Special or Moderate flood hazard area, the survey will; 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; indicate floodplain elevation, and; 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. 223(f) refinances need not show the 500-year flood elevations.
5. **Blanket Easement:** 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.

Additional Owner Requirements: The following requirements are not intended to void any other part of this instruction.

Certification: The survey map/plat must bear the ALTA/ NSPS Certification:

“To (name of insured, if known), (name of lender, if known), (name of title insurer, if known), Department of Housing and Urban Development (“HUD”), (names of others as negotiated with the client):

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/ NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items _____ of Table A thereof. The fieldwork was completed on _____ [date].

Date of Plat or Map: _____ (Surveyor’s signature, printed name and seal with Registration/License Number)”

Surveyor’s Report Instructions: A current Surveyor's Report (last field work not more than 180 days old for initial endorsement and not more than 120 days old for final endorsement) must be included with the survey map(s)/plat(s) submitted to HUD for: project design review, construction contract document sets, as required during construction, upon project completion; and with the map(s)/plat(s) used at initial and final closing. Identify pertinent observed and otherwise known conditions on the Surveyor's Report. Where current Surveyor’s Report and Survey are provided, Borrower’s Survey Certification is not applicable.

Borrower’s Survey Certification Instructions: A pre-existing survey may be submitted in lieu of a new survey and Surveyor’s Report, when all of the following conditions are met, subject to OHF discretion:

- A. The current transaction is a refinance of an existing HUD-insured Hospital loan, pursuant to Section 223(a)(7) or 223(f), or initial endorsement pursuant to Section 241(a) of the National Housing Act.
- B. The title company will accept the prior survey in issuing the policy of title insurance and exclude any title policy survey exception.
- C. 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, or the inclusion of formerly excluded property).
- D. 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 OHF about the need for a new survey.
- E. No additional improvements (including driveways and parking areas) have been constructed on the property since the date of the existing survey.
- F. Copies of the most recently signed and certified as-built survey are supplied (need not be originals).
- G. There are no new encroachments either way across the property lines.
- H. A signed Borrower’s Survey Certification is submitted to HUD in the form attached hereto.
- I. The Standards of Performance listed above are met. OHF can accept surveys dated prior to February 23, 2021, which conform to the ALTA/NSPS Standards and OHF survey instructions in place at the time the survey was conducted.

HUD Surveyor's Report

The included survey plat and/or map is to be used in a hospital loan transaction submitted to HUD.

Its uses will include:

- Land title recordation (all cases).
- Site grading plan preparation (item 1 above).
- Plot plan design/redesign (item 2 above).

Special Project Features:

- Condominium/Air-rights, and/or
- Other: (e.g. accessibility features) _____

Owner's Representative/Contact:

Name & Phone No: _____

Address: _____

I certify that, on [Insert date of survey] _____, I made a survey of the premises standing in the name of [Insert name of owner at time of survey] _____ situated in [Insert city, county, state] _____ known as street numbers _____ and shown on the accompanying survey plat and/or map entitled _____; and made a careful inspection of said premises and of the building(s) located thereon.

I certify that on [Insert date of last site inspection or N/A] _____, I again made a careful inspection of said premises and of the building(s) located thereon, and found said premises to be standing in the name of:

_____.

In my professional opinion, the following information reflects the conditions observed on the date of the last site inspection, or disclosed in the process of researching title to the premises, and I further certify that such conditions(s) are shown on the survey map/plat dated: [Insert date of latest revision] _____ .

For Items 1 through 10, please provide a detailed answer or state "none," if inapplicable.

1. Rights of way, old highways or abandoned roads, lanes or driveways, drains, sewer or water pipes over and across said premises:

2. Springs, streams, rivers, ponds or lakes located, bordering on or running through said premises:

3. Cemeteries or family burying grounds located on said premises:

4. Electricity, or electromagnetic/communications signal, towers, antenna, lines, or line supports located on, overhanging or crossing said premises:

5. Disputed boundaries or encroachments. (If the buildings, projections or cornices thereof or signs affixed thereto, fences or other indications of occupancy encroach upon adjoining properties or the like encroach upon surveyed premises, specify all such):

6. Earth moving work, building construction, or building additions within recent months:

7. Building or possession lines. (In case of city or town property specify definitely as to whether or not walls are independent walls or party walls and as to all easements of support or "Beam Rights." In case of country property report specifically how boundary lines are evidenced, that is, whether by fences or otherwise):

8. Recent street or sidewalk construction and/or any change in street lines either completed or proposed by and available from the controlling jurisdiction:

9. Flood hazard:

10. Site used as a solid waste dump, sump, or sanitary landfill:

Further, I hereby certify to HUD, (Borrower), (Sponsor), (Lender), (Title Insurance Underwriter), (Other), and to their successors and assigns, that:

I made an on the ground survey per record description of the land shown on the Survey No. _____,

last revised [Insert date] _____ ("Survey"), located in [Insert city or town, county, township, etc.], and that it was made in accordance with this HUD Survey Instructions and Surveyor's Report, and the requirements for an ALTA/NSPS Land Title Survey, as defined in the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys.

To the best of my knowledge, belief and information, except as shown on the Survey, there are no encroachments across any property lines, title lines and lines of actual possession are the same, and the premises are [Insert *not subject to a* OR *subject to a*] 100/500 year return frequency flood hazard, and such condition is shown on the Federal Flood Insurance Rate Map, Community Panel No. _____ [Insert "none," if inapplicable].

Surveyor's Name:	License Number:	Seal	Date:
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Borrower's Survey Certification

To be used when submitting a survey accepted by HUD for a prior transaction, subject to the requirements of the Survey Instructions.

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 _____ City), _____ County, _____ (State), (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.

Each signatory below hereby certifies under penalty of perjury such signatory's statements and representations contained in this Agreement and all supporting documentation provided by such signatory are true, accurate, and

complete. This Agreement has been made, presented, and delivered for the purpose of influencing an official action of HUD in insuring the Loan, and may be relied upon by HUD as a true statement of the facts contained therein.

Date: _____, 20 _____

BORROWER

a(n) _____

By: _____

Name: _____

Title: _____