

**Borrower's Certificate of
Actual Cost
Section 242**

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

OMB Approval No. 2502-0602
(Exp. 11/30/2022)

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.

To: Federal Housing Commissioner	Project Number
	Project Name
	Location
No mortgage shall be insured unless a Borrower's Certificate of Actual Cost is executed upon completion of all physical improvements on the mortgaged property and prior to final endorsement (24 C.F.R. 242.422.)	

This Certificate is made pursuant to the provisions of that certain Agreement and Certification HUD-93305-OHF of _____ (Borrower) dated _____ (mm/dd/yyyy) and in order to induce the Federal Housing Commissioner to provide final endorsement of the mortgage for insurance.

The actual cost to the owner of labor and materials and necessary services for construction of the physical improvements in connection with the subject project, after deduction of all kickbacks, rebates, adjustments, discounts, promotional or advertising recoupment made or to be made to the Borrower, sponsor or any corporation, trust, partnership, joint venture or other legal entity in which they or any of them hold any interests is set forth below. Additionally, the cost of construction [] is / [] is not (check one) supported by Form HUD-92330A-OHF, Contractor's Certificate of Actual Cost. (When there is an Identity of Interest, as defined below, or when a Cost Plus Contract is used, Form HUD-92330A-OHF is required.)

Note: This Certificate must be supported by a certification as to actual cost by an independent Certified Public Accountant or by an independent public accountant if required by HUD regulations, handbooks, commitment, and/or Form HUD-93305-OHF.

The undersigned hereby certifies that, except as noted below, there has not been and is not now any Identity of Interest between Borrower and general contractor and/or any construction manager, subcontractor, material supplier, or equipment lessor. It is further certified that, except as noted, there are not and have not been any such relationships between sponsor(s) of this project and general contractor and/or construction manager, subcontractor, material supplier and equipment lessor.

All references to "Identity of Interest" herein made are made in the context of the definition below, which has been read by the undersigned.

Identity of Interest between the Borrower and/or sponsor as parties of the first part and general contractors, construction managers, subcontractors, material suppliers, or equipment lessors as parties of the second part will be construed as existing under any of the following conditions:

When there is any financial interest of the party of the first part in the party of the second part; when one or more officers, directors or stockholders of the party of the first part is also an officer, director, or stockholder of the party of the second part; when any officer, director, or stockholder of the party of the first part has any financial interest whatsoever in the party of the second part; when the party of the second part advances any funds to the party of the first part; when the party of the second part provides and pays on behalf of the party of the first part the cost of any architectural or engineering services other than those of a surveyor, general superintendent, or engineer employed by a general contractor in connection with its obligations under the construction contract; when the party of the second part takes stock or any interest in the party of the first part as part of the consideration to be paid them; when there exists or comes into being any side deals, agreements, contracts or undertakings entered into or contemplated, thereby altering, amending, or cancelling any of the required closing documents except as approved by the Federal Housing Commissioner; when any relationship (e.g. family) existing which would give the Borrower, general contractor, or construction manager control or influence over the price of the contract or the price paid to the subcontractor, material supplier or lessor of equipment.

The following Identity(ies) of Interest exist (if none, so state):

"On behalf of Borrower [name of entity,] I hereby certify that all of the information provided on this form and in any accompanying documentation is true, accurate, and complete, has 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. I acknowledge that the submission of any false, fictitious, or fraudulent statement, representation, or certification on this form or on any accompanying documents may result in criminal, civil, and/or administrative sanctions, including fines, penalties, and/or imprisonment under applicable federal law."

Signature of Borrower	
Printed Name and Title	Date (mm/dd/yyyy)

Item	Column A	Column B	Column C
* For line items below with an asterisk, include itemized schedules and, for all items below, if requested by OHF, copies of bills and receipts	Paid in Cash	To be paid in cash within 45 days after final endorsement	Total
* 1a. Amount due under terms of Lump-Sum Construction Contract (as adjusted)			
* 1b. Amount due under terms of Construction Manager's Agreement (as adjusted)			
2a. Architect's Fee – Design			
2b. Architect's Fee – Supervision			
* 2c. Architect's Fee - Additional Services			
* 3. Interest During Construction			
* 4. Taxes During Construction			
* 5. Property Insurance			
* 6. Mortgage Insurance Premium (MIP)			
7. FHA Examination Fee			
8. FHA Inspection Fee			
* 9. Title and Recording Fees			
* 10. Allowance To Make Project Operational (AMPO)			
* 11a. Initial Financing Fee			
* 11b. Permanent Placement fee			
* 11c. Discounts			
* 11d. Other Approved Financing Expenses			
* 12a. Legal			
* 12b. Organization			
* 12c. Borrower's Cost Certification Audit Fee			
* 13. Other (exclusive of items required by the Construction Contract)			
Subtotal			
15a. Consultant's Fee			
* 15b. Major Moveable Equipment			
* 15c. Offsite and Demolition			
* 15d. Other			
Subtotal			
* 16a. Reduction (if any) resulting from Operating Statement Attached			
* 16b. Reduction (if any) resulting from Grants / Loans			
Total			