

**Consolidated Certifications –
Mortgagor
Section 232**

**U.S. Department of Housing and
Urban Development
Office of Healthcare Programs**

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

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Certifications
for Section 232 New Construction¶

Public reporting burden for this collection of information is estimated to average 1.5 hours. 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. Response to this request for information is required in order to receive the benefits to be derived. 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. No confidentiality is assured.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Privacy Act Notice: The United States Department of Housing and Urban Development, Federal Housing Administration, is authorized to solicit the information requested in the form by virtue of Title 12, United States Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. While no assurance of confidentiality is pledged to respondents, HUD generally discloses this data only in response to a Freedom of Information Act request.

Mortgagor: Mortgagor Name
Lender: Lender Name
Project: Project Name
Project Location: Project City, State
Operator (Lessee): Operator Name
Management Agent Management Agent Name
Audit Firm Audit Firm (that prepared audit of loss period)
Lender (Existing) Lender of Existing FHA-insured Mortgage
Existing FHA Loan Number FHA Number of existing insured mortgage

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Part I. Program.

Section 232 New Construction:

Section 232 Substantial Rehabilitation:

Section 232 pursuant to Section 223(f):

Section 232 pursuant to Section 223(a)(7):

Section 232 pursuant to Section 241a:

Section 232 (i):

Section 223(d)(2). Under this part, the operating loss must have occurred within the first 24 months of the cost certification cut-off date and this application submission must be made within 3 years of the end of the loss period. The loan cannot exceed the eligible loss.

Section 223(d)(3). Under this part, the operating loss must have occurred within the first 10 years of the cost certification cut-off date and this application submission must be made within 10 years of the

end of the loss period. The loan cannot exceed 80% of the unreimbursed cash contributions made by the owner, and in no event will the loan exceed the eligible loss.

Part II. Form: Health Care Facility Summary Appraisal Report and/or form: Supplement to Project Analysis

The undersigned Mortgagor certifies that it is familiar with the provisions of the Regulations of the Secretary of Housing and Urban Development ("HUD") under {Insert Part I program} of the National Housing Act and that, to the best of its knowledge and belief, the Mortgagor has complied, or will be able to comply, with all of the requirements thereof which are prerequisite to insurance of the mortgage under such Section.

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The Mortgagor further certifies that to the best of its knowledge and belief no information, data, exhibits, or attachments provided to the Lender or HUD, are in any way false or incorrect and that they are truly descriptive of the project or property which is intended as the security for the proposed mortgage and that any proposed repairs will not violate zoning ordinances or restrictions of record.

The Mortgagor agrees with HUD that, pursuant to the requirements of the HUD Regulations, (a) neither it nor anyone authorized to act for it will decline to sell, rent, or otherwise make available any of the property or housing in the project to a prospective purchaser or tenant because of his/her race, color, religion, sex, or national origin; (b) it will comply with Federal, State, and local laws and ordinances prohibiting discrimination; and (c) its failure or refusal to comply with the requirements of either (a) or (b) shall be a proper basis for HUD to reject requests for future business with which any principal of the Mortgagor is identified or to take any other corrective action HUD may deem necessary.

Part III. Form: Supplement to Application for a Multifamily Housing Project

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1. Has the Mortgagor been delinquent on any Federal debt? If Yes, attach a letter from the affected agency that the debt is satisfied or under a workout agreement. Yes No
2. Has the Mortgagor been a defendant in any suit or legal action? Yes No
3. Has the Mortgagor ever claimed bankruptcy or made compromised settlements with creditors? Yes No
4. Are there judgments recorded against the Mortgagor? Yes No

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If the answer to any of questions 1 through 4 is yes, attach the details on a separate sheet using attached instructions. Mortgagor certifies that its answer to each of the questions in this Part II and the information in any such attached sheets is true and correct.

Part IV. Byrd Amendment.

The Mortgagor states, to the best of its knowledge and belief, that: If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the Mortgagor shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Part V. Credit Authorization.

The Mortgagor consents to the release of any banking and credit information in connection with the mortgage

insurance application with respect to the above referenced Project to HUD, the Lender and any contractors engaged by HUD or the Lender in connection with such application.

The Mortgagor also authorizes the Lender to request credit reports from an independent credit reporting agency and agrees to cooperate fully with said independent agency in regard to this matter. The Lender and HUD are also authorized to verify references and depository institutions supplied by the undersigned.

For the purpose of obtaining financing for the Project, the Mortgagor further authorizes the Lender to disclose all financial and other information submitted by the Mortgagor and others in connection with the Project, and hereby releases the Lender, its agents, and employees from liability arising from such disclosures to HUD and to other such persons and entities as the Lender deems necessary or appropriate in connection with the Project.

Part VI. Identities of Interest.

Does the Mortgagor have an identity of interest with the following parties or their principals?

	Not Applicable	Yes	No		Not Applicable	Yes	No
Lender:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appraisal Firm:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operator (Lessee):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Environmental Firm:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management Agent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cost Review Firm:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General Contractor:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A&E Review Firm:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design Architect:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Market Study Firm:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervisory Architect:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Seller:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCNA Firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Audit Firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to any of the questions in this Part VI is Yes, attach a separate sheet setting forth the nature of each such identity of interest. The Mortgagor certifies that, to the best of its knowledge, its answer to each of the questions in this Part VI, and the information in any such attached sheets is true and correct.

Part VII. Parties to the Transaction.

Does the Mortgagor know of any changes in the ownership structure of any of the following parties that have not been previously approved by HUD, if applicable?

	Not Applicable	Yes	No
Mortgagor:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Operator (Lessee):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Management Agent:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the answer to any of the questions in this Part IV is Yes, attach a separate sheet setting forth the ownership of each party that has not been previously approved by HUD and setting forth the nature of any applicable identity of interest. The Mortgagor certifies that, to the best of its knowledge, its answer to each of the questions in this Part IV, and the information in any such attached sheets is true and correct.

Part VIII. Fair Housing; Title VI of the Civil Rights Act of 1964.

The Mortgagor certifies that the Mortgagor, and each person or entity authorized to act for the Mortgagor, shall comply with the provisions of the Fair Housing Amendments Act of 1988, as amended, and Executive Order 11063; Title VI of the Civil Right Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended, and, where applicable, Section 3 of the Housing and Urban Development Act of 1968. Neither the Mortgagor, nor any person or entity authorized to act for the Mortgagor, shall in the rental, lease or sale; in the provision of services or any other manner discriminate against any person on the grounds of race, color, creed, religion, sex, national origin,

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- Deleted: Cost Review Firm:
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handicap or familial status.

Without limiting the generality of the foregoing, the Mortgagor HEREBY AGREES THAT it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended and all requirements imposed by or pursuant to the Regulations of HUD (24 CFR, Subtitle A, Part 1) issued pursuant to that Title, to the end that, in accordance with Title VI of the Act and said Regulations, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Mortgagor receives Federal financial assistance from HUD, and HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Mortgagor by HUD, this assurance shall obligate the Mortgagor, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision or similar services or benefits. If any personal property is so provided, this assurance shall obligate the Mortgagor for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Mortgagor for the period during which the Federal financial assistance is extended to it by HUD.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal loans, advances, grants, properties, contracts or other Federal financial assistance extended after the date hereof to the Mortgagor by HUD, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Mortgagor recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Mortgagor, its successors, transferees, and assignees, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Mortgagor.

Part IX. Fair Housing; Title VI of the Civil Rights Act of 1964.

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Part X. Low Income Housing Tax Credit Participation.

Unless Mortgagor has attached to these Mortgagor Certifications a written statement to the contrary, the Mortgagor certifies that neither the Mortgagor nor any other representative of the Project currently intends to participate in a low income housing tax credit program with respect to this Project.

If plans change and the Project will participate in a tax credit program, a representative of the Mortgagor will notify HUD and the Lender, in writing, immediately following the decision to participate.

Part XI. Accounts Receivable Financing

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Mortgagor certifies that neither the Mortgagor nor any other representative of the Project currently intends to use Accounts Receivable financing with respect to this Project. If use of Accounts Receivable financing is contemplated after the Note is endorsed, Mortgagor will obtain written approval from HUD and Lender prior to entering into Accounts Receivable financing agreements.

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Accounts Receivable financing will be used by Mortgagor or other representative of the Project as explained in written statement attached to the application.

Part XII. Entity Changes (223(a) (7), 223(d), 241, 232(i), as applicable).

The Mortgagor certifies that:

- NO changes are proposed to the principal ownership of the Mortgagor as part of this transaction.
- Changes are proposed to the principal ownership of the Mortgagor as part of this transaction.

The Mortgagor further certifies that HUD:

HAS approved all previous changes to the principal ownership of the Mortgagor.

HAS NOT approved all previous changes to the principal ownership of the Mortgagor.

If changes are proposed or HUD has not previously approved changes to the principal ownership of the Mortgagor, attach a separate sheet explaining the changes in ownership and clearly identifying each principal that has not been previously approved by HUD for their new role.

Part XIII. Section 223(d) Certifications.

The Mortgagor certifies that to the best of its knowledge and belief that:

1. The undersigned Mortgagor owned the facility during the loss period.
2. All funds in the operating deficit escrow required by the original FHA-insured loan have been disbursed.
3. All cost certification requirements of the original FHA-insured loan have been satisfied.
4. The cost certification cutoff date was {INSERT COST CERT CUTOFF DATE}.
5. The facility has attained a sustaining occupancy that can meet the debt service obligations of the combined FHA-insured mortgages (including the proposed operating loss supplemental loan).
6. The facility does NOT received Section 8 rental assistance.

Part XIV. Certain HUD Mortgage Insurance Program Requirements.

The Mortgagor acknowledges the following requirements of the HUD mortgage insurance program:

1. The Mortgagor is, or must be by closing, a single asset entity whose sole purpose is to own the Project.
2. "Founders' Fees," "admission fees," or similar types of payments are prohibited
3. An annual audit is required and must be filed electronically or as otherwise directed by HUD.
4. Monthly Accounting Reports from both the Mortgagor and Lessee, if applicable, will be required for the first 12-months of the loan in a format approved by the Commissioner.
5. Surplus cash may only be distributed semi-annually with HUD's approval. Residual receipts may only be distributed with HUD approval.
6. All project accounts comprised of Medicaid, Medicare, private pay, or commercial insurance receivables for the facility will be subject to a Deposit Account Control Agreement (DACA) and/or Deposit Account Instructions Service Agreement (DAISA).
7. Professional liability insurance coverage must be maintained at a level and by an insurer acceptable to HUD.
8. Security deposits must be maintained in a separate account, apart from all other funds, in the name of the Project, and labeled as a security deposit account.
9. Side deals between the contractor and the mortgagor are prohibited, if applicable.
10. Offsite construction costs are not mortgageable items but must be disclosed and are also subject to separate escrow requirements, if applicable.
11. Demolition costs for entire on-site buildings are not mortgageable items; however, partial demolition within the walls of an existing building can be included in the proposed mortgage, if applicable.
12. The mortgagor is required to submit a cost certification prepared by an independent public accountant upon completion of construction, if applicable.
13. Starting construction prior to closing without HUD's approval will make the project ineligible for financing.

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- 14. Mortgages insured under Section 232 pursuant to Section 223(f) of the National Housing Act are not eligible for a Section 223(d) operating loss loan.
- 15. The existing FHA-insured loan must be current; cannot be HUD-Held; and must have final endorsement for a Section 223(d) operating loss loan.
- 16. The loss period cannot exceed 2-years. The loss must have occurred within a 24 consecutive month period for a Section 223(d) operating loss loan.
- 17. HUD and the Lender must determine that the competence and responsibility of the Management Agent and/or Operator is satisfactory for a Section 223(d) operating loss loan.
- 18. Only one Section 223(d)(2) supplemental loan and one Section 223(d)(3) loan can be made on each project.
- 19. The supplemental loan and the existing FHA-insured mortgage will be coterminous for a Section 223(d) operating loss loan.

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Part XV. Other Parties.

Operator (Lessee):	<u>Operator Name</u>
Management Agent:	<u>Management Agent Name</u>
Appraisal Firm:	<u>Appraisal Firm</u>
Environmental Firm:	<u>Environmental Firm</u>
Cost Review Firm:	<u>Cost Review Firm</u>
A&E Review Firm:	<u>A&E Review Firm</u>
Market Study Firm:	<u>Market Study Firm</u>
Contractor:	<u>Contractor Name</u>
<u>Design Architect:</u>	<u>Design Architect Name</u>
<u>Supervisory Architect:</u>	<u>Supervisory Architect Name</u>
<u>PCNA Firm</u>	<u>PCNA Firm</u>
<u>Audit Firm</u>	<u>Audit Firm Name that prepared loss on 242(a) project</u>
<u>Seller:</u>	<u>Seller Name</u>

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Part XVI. Previous Participation

The Principal certifies that the Principal:

has NO Previous Participation in Office of Healthcare or Multifamily Housing programs of HUD/FHA, USDA FmHA, State, or Local Housing Finance Agencies.

DOES have Previous Participation as a principal in Office of Healthcare or Multifamily Housing programs of HUD/FHA, USDA FmHA, State, or Local Housing Finance Agencies as listed on the attached Attachment One and Attachment Two.

Certifications: Mortgagor hereby certifies that neither Mortgagor nor any of its principals or affiliates have ever been found to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105 (a), except as disclosed to HUD in an attached signed statement explaining the relevant facts, circumstances, and resolution, if any. All the statements made in this certification and in any attachments hereto are true, complete and correct to the best of my knowledge and belief and are made in good faith, including the data contained in Schedule of Facilities Owned, Operated or Managed and Exhibits signed and attached to this form. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties.

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Mortgagor further certifies that:

1. Mortgagor's organizational chart, in such detail as approved by HUD, is attached hereto. All such entities shown on such chart are referred to as "Mortgagor's Members" for the purposes of this certification.
2. The Schedule of Facilities Owned, Operated or Managed attached hereto contains a listing of every assisted or insured project of HUD, USDA FmHA and State and local government housing finance agencies in which Mortgagor or the Members have been or are now principals.
3. For the period beginning 10 years prior to the date of this certification, and except as shown on the certification:
 - a. No mortgage on a project listed on the attached schedule has ever been in default, assigned to the Government or foreclosed, nor has mortgage relief by the mortgagee been given;
 - b. Mortgagor has not experienced defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
 - c. To the best of Mortgagor's knowledge, there are no unresolved findings raised as a result of HUD audits, management reviews or other Governmental investigations concerning any of the Members' projects;
 - d. There has not been a suspension or termination of payments under any HUD assistance contract in which Mortgagor or any Member has had a legal or beneficial interest;
 - e. Neither Mortgagor nor any Member has been convicted of a felony and nor is presently, to its knowledge, the subject of complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
 - f. Neither Mortgagor nor any Member has been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency.
 - g. Neither Mortgagor nor any Member has defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond.
4. All the names of the parties, known to me to be principals in this project(s) in which I propose to participate, are listed above or on the attached organizational chart.
5. Neither Mortgagor nor any Member is a HUD/FmHA employee or a member of a HUD/FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part and USDA's Standard of Conduct in 7 C.F.R. Part Subpart B.
6. Neither Mortgagor nor any Member is a principal participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 20 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification have not been filed with HUD or FmHA.
7. To its knowledge neither Mortgagor nor any Member has been found by HUD or FmHA to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.10 (a).
8. Neither Mortgagor nor any Member is a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
9. Statements above (if any) to which Mortgagor cannot certify have been deleted by striking through the words. Authorized representative of Mortgagor has initialed each deletion (if any) and have attached a true and

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accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participation in this project.

The Mortgagor has read and agrees to comply with the provisions of the above certifications for the purpose of obtaining mortgage insurance under the National Housing Act.

The individual signing below on behalf of the Mortgagor certifies that he/she is an authorized representative of the Mortgagor and has sufficient knowledge to make these certifications on behalf of the Mortgagor.

Executed this _____ day of _____, 20_____.

Mortgagor Name

By: _____

Signature

(Printed Name & Title)

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Bibliography

- 0 A. **Section 232:** The Section 232 Program is authorized by Section 232 of the National Housing Act (12 U.S.C. 1715w), (12 U.S.C. 1715(b)) and 42 U.S.C. 3535. Statutory authority for the implementation of the Section 232 programs is contained in the basic insuring authority for each of the Section 232 programs. See the National Housing Act, Sections 223(a)(7), 232, 223(d), 232/223(f), and 241. Additionally, Section 211 of the National Housing Act authorizes and directs the Secretary to make such rules and regulations as may be necessary to carry out the provisions of the Act. Regulatory authority includes 24 CFR Parts 232, 200 and Section 5.801.
- B. **Section 232/223(f):** Section 223(f) of the National Housing Act was added by Section 311(a) of the Housing and Community Development Act of 1974. The program regulations are found in 24 CFR, Parts 200 and 232.
- C. **Section 232/223(a)(7):** The Section 232/223(a)(7) program is authorized by the National Housing Act (12 USC 1715n(a)(7)).
- D. **Section 232/241(a):** The Section 232/241(a) program is authorized under the National Housing Act, as amended, Section 241, Public Law 90-448 (12 U.S.C. 1715) and Public Law 94-375 (12 U.S.C. 1715z-6). The program regulations are found in 24 CFR Parts 200 and 241.
- E. **Section 223(d):** The Section 223(d) Operating Loss Loan program is authorized by Section 223(d) (12 U.S.C. 1715n) of the National Housing Act 1937, as amended; Public Law 90-448, as amended; and Public Law 91-152, 12 U.S.C. 1715x. The program regulations are found in 24 CFR 207.
- Section 232 (i):** The Section 232(i) program is authorized under the National Housing Act (12 U.S.C. 1715 w) as amended; Section 203(i) Public Law 93-204. The program regulations are found in 24 CFR Part 232 Subpart C
- 0 Form: *Health Care Facility Summary Appraisal Report* and/or form, *Supplement to Project Analysis*
- Part III Form, *Supplement to Application for a Multifamily Housing Project*
- Part IV Section 1352 - Title 31 U.S. Code
- Part V Section 232 Handbook
- Part VIII Section 232 Handbook
- Part I Section 232 Handbook
- Part X Form, *Equal Employment Opportunity Certification*
- Part IX Section 232 Handbook
- Part X Section 232 Handbook
- Part XI Section 232 Handbook
- Part XII Section 232 Handbook
- Part XIII Section 232 Handbook

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Deleted: Basis: Part 2-1, Item B.2.h. - [HUD Handbook 4470.1 REV-2 CHG 1 - Mortgage Credit Analysis for Project Mortgage Insurance](#)

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Deleted: Basis for Fair Housing (1st paragraph): Parts 3.2 J; 10.8 - [Multifamily Accelerated Processing \(MAP\) Guide](#), Revised March 15, 2002¶

Basis for Title VI: Item 20 of Section 232/223f of Appendix 12A - [Multifamily Accelerated Processing \(MAP\) Guide](#), Revised March 15, 2002

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INSTRUCTIONS FOR ANSWERING HUD-92013-Supp QUESTIONS

A. Delinquent Federal Debt – Provide the following

- a. A detailed written explanation from any applicant or principal with a prior Federal default or claim or whose credit report and financial statements contain conflicting or adverse information.
- b. A letter from the affected agency, or agency letterhead and signed by an officer, stating the delinquent Federal debt is current or satisfactory arrangements for repayments have been made.
- c. The Lender’s reason(s) for recommendation of the applicant, which may be included in the Lender’s report as described in Section 8.9.

B. Judgments – Provide detailed written explanation from any applicant or principal explaining the date of the judgment, the resolution and if not resolved, the expected outcome and resolution date.

C. Suits or Legal actions – Provide detailed written explanation from any applicant or principal indicating the entity has insurance to cover the suit; documentation must show likelihood and date to resolve. If previously resolved, indicate date of original suit and resolution date.

D. Bankruptcies – Any owner or operator of a healthcare facility or their affiliate or renamed or reformed company that has filed for, is in, or has emerged from bankruptcy within the last five years is not eligible to participate in any manner in a facility which is the subject of a mortgage insured through the Section 232 Mortgage Insurance for Health Care Facilities Programs. A project in bankruptcy that is acquired by a non-identity of interest owner in good standing is eligible for mortgage insurance.