

**Consolidated Certifications –
Principal of Mortgagor
Section 232**

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

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

Deleted: Principal of Mortgagor
Consolidated 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.

Principal: Principal Name

Mortgagor: Mortgagor Name

Lender: Lender Name

Project: Project Name

Project Location: Project City, State

Operator (Lessee), if applicable: Operator Name

Management Agent, if applicable: Management Agent Name

Audit Firm, if applicable: Audit Firm for 223d that prepared audit of loss period

Lender (Existing), if applicable: Lender of Existing FHA-insured Mortgage

Existing FHA Loan Number, if applicable: FHA Number of existing 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): (To be completed only when Principal of Mortgagor has not been previously approved by HUD)

Section 232 pursuant to Section 241a:

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)

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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.

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Deleted: debt is satisfied or under a workout agreement.

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

1. Has the Principal 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 Principal been a defendant in any suit or legal action? Yes No
3. Has the Principal ever claimed bankruptcy or made compromised settlements with creditors? Yes No
4. Are there judgments recorded against the Principal? 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. Principal certifies that its answer to each of the questions in this Part I and the information in any such attached sheets is true and correct.

Part III. Byrd Amendment.

The Principal 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 Principal 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 IV. Credit Authorization.

The Principal 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 Principal 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 Principal further authorizes the Lender to disclose all financial and other information submitted by the Principal 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.

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Part V. Identities of Interest.

Does the Principal 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"/>
Lender (Existing)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Auditor/CPA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCNA Firm	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

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

Part VI. Entity Changes.

- The Principal is a natural person and certifies that he/she
 - HAS been approved by HUD for participation in this Project.
 - HAS NOT been approved by HUD for participation in this Project.
- The Principal is a business entity and certifies that it:
 - HAS been approved by HUD for participation in this Project.
 - HAS NOT been approved by HUD for participation in this Project.

The Principal further certifies that HUD:

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

The Principal further certifies that HUD:

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

If HUD has not previously approved the Principal or changes to the ownership of the Principal, 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.

The Principal certifies that the Principal:

- Does NOT participate as a principal² in any other businesses.

² HUD's definition of principal participation is as follows: (1) a general partner or managing member, regardless of interest; (2) a limited partner or member of an LLC with 25% or more interest; (3) a stockholder with 10% or more interest in a corporation; and/or (3) corporate officers, regardless of interest

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DOES participate as a principal² in the businesses listed on Attachment One.

Part VII. Other Section 232 Applications (pursuant to HUD Notice H 01-03).

With regard to mortgage insurance under FHA's Section 232 and Section 232 pursuant to Section 223(f) programs, the Principal certifies that within the last and next 18 months, the Principal:

HAS not applied and does NOT intend to apply, with the exception of this application.

HAS applied or INTENDS to apply for mortgage insurance the facilities listed on Attachment Two.

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Part VIII. Other Parties.

Operator (Lessee): Operator Name

Management Agent: Management Agent Name

Appraisal Firm: Appraisal Firm

Environmental Firm: Environmental Firm

Cost Review Firm: Cost Review Firm

A&E Review Firm: A&E Review Firm

Market Study Firm: Market Study Firm

Contractor: Contractor Name

Design Architect: Design Architect Name

Supervisory Architect: Supervisory Architect Name

Lender (Existing) Existing Lender Name

PCNA Firm PCNA Firm Name

Auditor/CPA Auditor/CPA Name

Seller: Seller Name

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Part IX Previous Participation

Part IX. 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.

Principal further certifies that:

1. Principal's organizational chart, in such detail as approved by HUD, is attached hereto. All such entities shown on such chart are referred to as "Principal'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 Principal 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. Principal 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 Principal'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 Principal or any Member has had a legal or beneficial interest;
 - e. Neither Principal 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 Principal 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 Principal 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 Principal 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 5 C.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 Principal 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.
6. To its knowledge neither Principal 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).
7. Neither Principal 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.
8. Statements above (if any) to which Principal cannot certify have been deleted by striking through the words. Authorized representative of Principal has initialed each deletion (if any) and have attached a true and 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 Principal 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 Principal certifies that he/she is an authorized representative of the

Principal and has sufficient knowledge to make these certifications on behalf of the Principal.

Executed this _____ day of _____, 20_____.

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<#>Signature. [...]

Principal Name

By: _____
Signature

(Printed Name & Title)

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Part VIII. Signature.

The Principal 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.

Executed this _____ day of _____, 20_____.

By: _____
Signature

Principal Name
(Printed Name & Title)

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Bibliography

Part I. 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.

F. **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.

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

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Part III. Section 1352 - Title 31 U.S. Code

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Part IV V 232 Handbook

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Part V 232 Handbook

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Part VII 232 Handbook

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Part VIII 232 Handbook

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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.

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Attachment One to Principal of Mortgagor Consolidated Certifications
 Listing of Other Business Concerns
 for Principal Name

Entity (name, address, tax id)	Participation [†]	Other Information (check all that apply)	
Name of Business Entity Address Line 1 Address Line 2 Address Line 3 Tax Id:	Managing Member % ownership	<input type="checkbox"/> HUD Insured <input type="checkbox"/> Under Construction <input type="checkbox"/> Real Estate <input type="checkbox"/> FHA Number <input type="checkbox"/> Dates Participated in Project <input type="checkbox"/> REAC Physical Score <input type="checkbox"/> Pending judgments [†] <input type="checkbox"/> Pending legal actions or suits [†] <input type="checkbox"/> Pending bankruptcy claims [†] <input type="checkbox"/> Gov Agency Financing other than HUD <input type="checkbox"/> Loan Status: <input type="checkbox"/> Current <input type="checkbox"/> Default Assignment <input type="checkbox"/> Foreclosed <input type="checkbox"/> Explain Adverse Action	Formatted Table Moved up [1]: <input type="checkbox"/> Pending judgments ^{†¶} <input type="checkbox"/> Pending legal actions or suits ^{†¶} Moved (insertion) [1]
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Attachment Two to Principal of Mortgagor Consolidated Certifications

Other Section 232 Applications (pursuant to HUD Notice H 01-03)
for Principal Name

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Facility (name, address)	Other Information	
Name of Facility Address Line 1 Address Line 2 Type of Facility: SNF/ALF/B&C	Submission Date: HUD Office: App. Status: FHA Number:	Primary Role: Lender: Mortgage Amount: Beds:
Type of Facility:	Submission Date: HUD Office: App. Status: FHA Number:	Primary Role: Lender: Mortgage Amount: Beds:
Type of Facility:	Submission Date: HUD Office: App. Status: FHA Number:	Primary Role: Lender: Mortgage Amount: Beds:
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Type of Facility:	Submission Date: HUD Office: App. Status: FHA Number:	Primary Role: Lender: Mortgage Amount: Beds:

Additional pages attached.

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† Reportable participation is as follows: (1) a general partner or managing member, regardless of interest; (2) a limited partner or member of an LLC with 25% or more interest; (3) a stockholder with 10% or more interest in a corporation; and/or (3) corporate officers, regardless of interest.

- ‡ If checked, attach a detailed explanation on a separate sheet.
- § If checked, attach a detailed explanation on a separate sheet.
- ¶ If checked, attach a detailed explanation on a separate sheet.
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