

Public reporting burden for this collection of information is estimated to average 0.5 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)

## **Lean 232 - 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.

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 as applicable:

- A. If a change to the building's footprint is proposed, or if any portion of the site contains floodplain (including 500-year), wetland, or Coastal Management Zone, 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 condo/air-rights are involved, the surveyor must provide a survey made in accordance with any applicable jurisdictional requirements or, in the absence of such requirements, professionally recognized standards.
- C. If a flood hazard is involved, any portion of the site is subject to flood hazard, the survey will:
  1. show the 100-year and 500-year return frequency flood hazard elevation and flood zone, and
  2. for existing projects, show the site elevation at the building entrances, lowest habitable finished floor, and basement for each primary building and the vehicular parking areas that service each primary building.

Take return frequency 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 owner's engineer.

- D. If a blanket easement is involved covers the subject property, show on the map/plat the location of any installation that is located within or traverses the property under provisions of a blanket easement. Blanket easements not affecting subject property should not be shown.
- E. Indicate the following basic information:
- 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.
  - Ownership of adjacent parcels
- F. The survey must show the entire site.
- G. 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 Owner'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 delete the 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).
- 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 available (need not be originals).
- F. There are no new encroachments either way across the property lines.
- G. A signed Owner's Survey Certification is submitted to HUD in the form attached hereto.

- H. The Standards of Performance listed under item I above are met. HUD will accept surveys dated prior to February 23, 2011 that conform to 2005 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys.

### **III. Exceptions**

Notwithstanding the above, and provided that the title company will 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).

# Owner's Survey Certification

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

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

To Secretary of Housing and Urban Development ("HUD")	Project Name:
And to: _____ ("Lender")	FHA Project Number:

\_\_\_\_\_, a(n) \_\_\_\_\_ organized and existing under the laws of \_\_\_\_\_, (the "Owner"), the owner 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 Owner, which Loan will be insured by HUD under Section \_\_\_\_\_ of the National Housing Act, as amended. This Owner'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"). If previously provided to HUD in connection with financing, please indicate the FHA Project Number \_\_\_\_\_.
3. There has been no material change in the legal description of the Property since the date of the Existing Survey.
4. Except as set forth in 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.
5. 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.
6. The floodplain, wetland, and Coastal Management Zone designations on the survey are still correct.

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

**OWNER**

\_\_\_\_\_  
a(n) \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**WARNING**

U.S. Criminal Code, Section 1010, Title 18, U.S.C., "Federal Housing Administration transactions", provides in part: "Whoever, for the purpose of . . . influencing in any way the action of such Administration . . . makes, passes, utters, or publishes any statement, knowing the same to be false . . . shall be fined not more than \$5,000 or imprisoned not more than two years, or both."