

Table of Contents

Section 232 Handbook

Section I – Handbook Introduction

Chapter 1	Introduction	Page
1.1	Purpose of the Section 232 Handbook.....	1
1.2	Handbook Sections.....	1
1.3	Legal Authority.....	2
1.4	Relation of Section 232 Handbook to Other Guidance.....	3
1.5	Waivers of the Section 232 Handbook.....	3
1.6	Identity of Interest (IOI)	4
Chapter 2	Lender Relations, Approvals and Monitoring Requirements	
2.1	Introduction.....	1
2.2	Lender Approval Requirements.....	2
2.3	Approval Requirements for Section 232 Healthcare Underwriters....	2
2.4	Electronic Capability and Internet Access.....	4
2.5	Identity of Interest.....	4
2.6	Limitation on Requirements.....	5
2.7	Agreement to Accept Monitoring.....	6
2.8	Monitoring by HUD.....	6
2.9	Quality Control Plans and Reviews.....	7
2.10	Other Monitoring Reviews.....	9
2.11	Section 232 Program Authority to Issue Sanctions.....	10
2.12	Basis for Issuance of Warning Letter from the ORFC Director.....	11
2.13	Basis for Suspending a Lender’s 232 Program Approval.....	12
2.14	Administrative Record.....	14
2.15	Appeals.....	15
2.16	Results and Referrals.....	16
2.17	Administrative Sanctions and Mortgagee Review Board (MRB) Actions.....	16
2.18	Enforcement Authority.....	17
Appendix 2.1	Resources.....	A-1

Section II – Production

Chapter 1	Introduction and Application Processing	
1.1	Introduction.....	1
1.2	Section 232 Approved Lenders.....	1
1.3	Application Requirements.....	1
1.4	Application Process.....	2
1.5	Loan Committee.....	3
1.6	Closing Process.....	3
Chapter 2	Eligible Section 232 Mortgage Insurance Programs	
2.1	Introduction.....	1
2.2	Eligible Projects.....	1
2.3	Ineligible Projects.....	4
2.4	Loan Types.....	4
2.5	General Section 232 Requirements.....	5
2.6	Section 232 New Construction & Substantial Rehabilitation.....	17
2.7	RESERVED.....	21
2.8	Section 232/241(a) Supplemental Loans.....	21
2.9	Section 232/223(f) Refinance.....	23
2.10	Section 232/223(a)(7) Refinance.....	26
2.11	Section 232/223(d) Operating Loss Loan.....	31
2.12	Section 232(i) Fire Safety Equipment Loan Program.....	35
Appendix 2.1	Calculating the Initial Operating Deficit Escrow.....	A-1
Appendix 2.2	Resources.....	A-5
Chapter 3	Loan Sizing	
3.1	Introduction.....	1
3.2	Underwriting Benchmarks for Section 232 New Construction, 232 Substantial Rehabilitation and 232/223(f) Loans.....	1
3.3	HUD Eligible Costs.....	2
3.4	Section 232 New Construction.....	6
3.5	Section 232 Substantial Rehabilitation.....	8
3.6	RESERVED.....	9
3.7	Section 232/241(a) Supplemental Loan for an Existing FHA-Insured Project.....	9
3.8	Section 232/223(f) Purchase or Refinancing of a Residential Healthcare Facility.....	10
3.9	Section 232/223(a)(7) or Refinance of an Existing FHA-Insured Project.....	12
3.10	Section 232/223(d) Operating Loss Loan.....	13

3.11	Section 232(i) Fire Safety Equipment Loan.....	13
3.12	Tax Abatement.....	14
3.13	Existing Indebtedness.....	14
3.14	Bond Financing.....	22
3.15	Secondary Financing.....	26
Appendix 3.1	Resources	A-1
Chapter 4	Architectural Analysis and Cost Processing	
4.1	General.....	1
4.2	Section 232 New Construction, Substantial Rehabilitation and 241(a) Supplemental Loans.....	3
4.3	Section 232 Substantial Rehabilitation.....	4
4.4	Section 232/223(f) Refinance.....	5
4.5	Section 232/223(a)(7) Refinance.....	6
Appendix 4.1	HUD Labor Standards and Enforcement Protocol Section 232 and 241(a).....	A-1
Appendix 4.2	Resources.....	A-5
Chapter 5	Appraisal Reports and Market Studies	
5.1	General.....	1
5.2	Selection of Appraisers.....	2
5.3	Appraisal Reports Requirements (Statement of Work).....	2
5.4	Ground Leases.....	25
5.5	Tax Abatement Procedures.....	28
5.6	Restricted Rents.....	29
5.7	Non-Profit Operations.....	30
Chapter 6	Participant Credit and Financial Review	
6.1	Determining Acceptability of the Borrower, Operator, Parent of the Operator, and the General Contractor.....	1
6.2	Participant Financial Review.....	8
6.3	Evaluating Non-profit Borrowers and Participants.....	13
Appendix 6.1	Resources.....	A-1
Chapter 7	Environmental Review	
7.1	Introduction.....	1
7.2	Procedures.....	3
7.3	Contamination Analysis: Phase I and Phase II Environmental Site Assessments and Remediation.....	6
7.4	HUD Responsibilities in Reviewing Cases Requiring Remediation.....	20

7.5	Environmental Information for the Lender Narrative.....	22
7.6	Lead Based Paint.....	37
7.7	Asbestos.....	37
7.8	Radon.....	39
Appendix 7.1	Resources.....	A-1
Chapter 8	Operator and Management Agent Analysis	
8.1	Introduction.....	1
8.2	Operators.....	1
8.3	Management Agents.....	3
8.4	Operator and Management Agent Qualifications.....	4
8.5	Expectations for Consultant and Contractor Performance.....	4
8.6	Operating Lease Requirements.....	5
8.7	Management Agreement Requirements.....	5
8.8	Lender Responsibilities.....	7
8.9	ORCF Underwriter Review.....	10
Appendix 8.1	Resources.....	A-1
Chapter 9	Closings	
9.1	Introduction.....	1
9.2	The ORCF Closer.....	1
9.3	The Lender.....	4
9.4	General Closing Logistics.....	7
9.5	Fees Due and Refunds.....	8
9.6	Closing Section 232/223(a)(7) and Section 232/223(f) Loans.....	8
9.7	Closing New Construction, Substantial Rehabilitation and Section 241(a) Loans.....	9
9.8	Initial Closings: Required Forms and Documentation.....	10
9.9	Preconstruction Conference.....	15
9.10	Tax Credits.....	15
9.11	Final Closings: Required Forms and Documentation.....	16
9.12	Insurance Upon Completion – New Construction, Substantial Rehabilitation and Section 241(a)	22
9.13	Closing Section 223(d) Operating Loss Loans and Section 232(i) Fire Safety Equipment Loan Insurance Programs.....	22
Appendix 9.1	Resources.....	A-1
Chapter 10	Construction Period	
10.1	Start of Construction.....	1
10.2	Early Start of Construction.....	1
10.3	Lender Duties Related to the Pre-Construction Conference.....	2

10.4	HUD Construction Monitoring.....	4
10.5	Architect’s Duties in Administering Construction Contract.....	6
10.6	Architect’s Adequacy.....	7
10.7	Permission to Occupy, Final Trip Report, and Warranty Inspections.....	8
10.8	Insurance of Advances and Related Matters.....	11
10.9	Construction Change Orders – General.....	15
10.10	Change Orders – HUD Contract Inspector Instructions.....	21
10.11	Change Orders – Lender’s Architectural Reviewer and Cost Analyst’s Instructions.....	22
10.12	Change Orders – Lender’s Appraisal and Mortgage Credit Instructions.....	23
10.13	Labor and Fair Housing and Equal Opportunity (FHEO)	26
10.14	Surveys.....	27
10.15	Escrowed Funds, Letters of Credit, Deposits, Retainage and Related Matters.....	27
10.16	Completion of Repairs Pursuant to Section 223(f) and 223(a)(7).....	32
10.17	Major Movable Equipment – Requisitions, Inspections, and Changes to Equipment Schedule During Construction.....	33
Appendix 10.1	Procedures for Requesting Approval for Start of Construction Prior to Initial Closing.....	A-1
Appendix 10.2	Instructions for Approval of Initial/Interim Advances.....	A-4
Appendix 10.3	General Contractor’s Monthly Requisition Procedures.....	A-13
Appendix 10.4	Specimen Letter – Request for Early Partial Release of Contractor’s Holdback.....	A-17
Appendix 10.5	Suggested Signature Page Format for the Electronic HUD Master Set of Plans and Specifications.....	A-19
Appendix 10.6	Resources.....	A-21
Chapter 11	Cost Certification	
11.1	Introduction.....	1
11.2	Projects That Must Certify.....	1
11.3	Purpose for Certification.....	1
11.4	Certifiable Costs.....	1
11.5	Types of Cost Certification.....	2
11.6	Entities That Must Cost Certify.....	2
11.7	Final Completion Date and Cut-Off Date.....	3
11.8	Administrative Completion Date.....	4
11.9	Submission Date.....	4
11.10	Required Forms and Documentation.....	4
11.11	Required Cost Certifications.....	6

11.12	ORCF Closing Coordinator Review of Borrower’s and Contractor’s Cost Certifications.....	11
11.13	Allowable Costs in Borrower’s Certificate of Actual Cost.....	11
11.14	Cost Review of the General Contractor’s Cost Certification.....	23
11.15	Section 232/223(f) and 232/223(a)(7) Modified Form of Cost Certification.....	26
11.16	Mortgage Reduction After Cost Certification.....	27
11.17	Increase in Mortgage Amount.....	28
11.18	Inspector General Audit.....	28
11.19	Cost Certification Incontestability.....	28
Appendix 11.1	Windfall Calculation Example.....	A-1
Appendix 11.2	Windfall Calculation Explanation.....	A-2
Appendix 11.3	Resources.....	A-3
Chapter 12	LIHTC and other Tax Credit Program Guidance	
12.1	Introduction.....	1
12.2	Program Guidance.....	1
12.3	Firm Commitment and Initial Closing.....	8
Appendix 12.1	Resources.....	A-1
Chapter 13	Master Lease	
13.1	Introduction.....	1
13.2	Terms and Concepts.....	1
13.3	Policies and Guidance	2
13.4	Master Lease Criteria.....	6
13.5	Term of Master Lease and Subleases.....	7
13.6	Master Lease Review.....	8
Appendix 13.1	Pledge of Cash Flow Model.....	A-1
Appendix 13.2	Master Landlord Structure.....	A-2
Appendix 13.3	Alternative to Multiple Lender Master Lease.....	A-3
Chapter 14	Insurance Requirements	
14.1	Introduction.....	1
14.2	Blanket Policies.....	4
14.3	Property/Casualty Insurance Carriers.....	4
14.4	Insurance Data Requirements.....	4
14.5	Property Insurance Requirements.....	5
14.6	Liability Insurance.....	7
14.7	Additional Insurances.....	8
Appendix 14.1	Professional Liability Insurance.....	A-1

Chapter 15	Accounts Receivable Financing	
15.1	Introduction.....	1
15.2	Applicable Programs.....	2
15.3	Accounts Receivable Financing Application Considerations.....	3
15.4	Document Requirements and Reviews.....	9
15.5	Important Safeguards and Conditions.....	12
Appendix 15.1	Resources.....	A-1
Chapter 16	Cash Flow Structures, Deposit Account Control Agreements (DACAs), and Deposit Account Instruction Service Agreements (DAISAs)	
16.1	Introduction.....	1
16.2	Submission and Review.....	2
16.3	Cash Flow Charts.....	4
16.4	Cash Flow Structures.....	6
16.5	Lease Cost/Debt Service Payment Methods.....	9
16.6	Deposit Account Control Agreements (DACAs)	11
16.7	Deposit Account Instructions and Service Agreements (DAISAs)...	15
16.8	Key Elements for Both DACAs and DAISAs.....	17
Appendix 16.1	Sample Cash Flow Chart.....	A-1
Appendix 16.2	Sample Cash Flow Chart.....	A-2
Appendix 16.3	Sample Cash Flow Chart.....	A-3
Appendix 16.4	Sample Cash Flow Chart.....	A-4
Appendix 16.5	Resources.....	A-5
Chapter 17	Portfolios	
17.1	Background and Overview.....	1
17.2	Terms and Concepts.....	2
17.3	Criteria for Portfolio Corporate Credit Review.....	2
17.4	Portfolio Size Classifications.....	3
17.5	Certification of Multiple Projects.....	4
17.6	Portfolio Corporate Credit Review Description.....	5
17.7	Portfolio Corporate Credit Review Contents.....	6
17.8	HUD Documentation to be Submitted for a Portfolio Corporate Credit Review	10
Chapter 18	Insurance Upon Completion	
18.1	Introduction.....	1
18.2	Firm Application.....	1
18.3	Firm Commitment.....	3
18.4	Pre-construction Conference.....	3

18.5	Construction Monitoring.....	5
18.6	Cost Certification.....	6
18.7	Closing.....	6
Appendix 18.1	Resources.....	A-1

Section III – Asset Management

Chapter 1	Asset Management Overview	
1.1	Introduction - Overview and Objectives.....	1
1.2	Introduction - Account Executive and Lender Alignment.....	2
1.3	Introduction - Team Structure.....	2
1.4	Introduction - Asset Management Branch and Risk Mitigation Branch.....	2
Chapter 2	Controlling Documents	
2.1	Introduction.....	1
2.2	Regulatory Agreements.....	1
2.3	Mortgage and Mortgage Note.....	2
2.4	Uniform Commercial Code (UCC) Filing.....	2
2.5	Operating Lease.....	2
2.6	Master Leases.....	3
2.7	Accounts Receivable Financing, Deposit Account Control Agreements (DACAs), Operator Bank Accounts and Deposit Account Instruction Service Agreements (DAISAs)	3
2.8	Management Certification.....	4
Appendix 2.1	Resources.....	A-1
Chapter 3	General Loan Oversight	
3.0.0	Introduction.....	1
Section 3.1	Servicing and Monitoring of Construction Projects	
3.1.1	Introduction.....	2
3.1.2	Loan Committee Presentation and Initial Closing.....	2
3.1.3	Asset Management Functions after Initial Closing.....	3
Section 3.2	Escrow Accounts	
3.2.1	Introduction.....	8
3.2.2	Reserve for Replacement Account.....	9
3.2.3	Residual Receipts Account.....	16
3.2.4	Non-Critical Repair Account.....	18

3.2.5	Sinking Fund.....	21
3.2.6	Debt Service Escrow and Long-Term Debt Service Reserve Accounts.....	22
3.2.7	Initial Operating Deficit Escrow.....	23
Section 3.3	Prepayment Provisions and Prohibition	
3.3.1	Introduction.....	24
3.3.2	Prepayment Procedures.....	24
3.3.3	Prepayment Lock Outs and Penalties.....	26
Section 3.4	Request to Release or Modify Original Loan Collateral	
3.4.1	Introduction.....	27
3.4.2	Reduction, Addition, or Sale of Beds.....	27
3.4.3	Easement, Eminent Domain, or Sale of Land or Other Security.....	28
3.4.4	Remodeling, Adding to, Subtracting From, Reconstructing, or Demolishing Portions of the Mortgaged Project	30
3.4.5	Surplus Cash Note Request.....	31
Section 3.5	Nursing Home Surveys and Licensure	
3.5.1	Introduction.....	32
3.5.2	State Licensing and Surveys Overview.....	32
3.5.3	State Inspection Process.....	33
3.5.4	State Inspection Process (Life Safety)	33
3.5.5	Quality of Care Provided to the Residents.....	34
3.5.6	Star Rating.....	34
3.5.7	Special Focus Designation.....	35
Section 3.6	Approval to Participate in HUD Programs - APPS and BPRS	
3.6.1	Overview.....	37
Section 3.7	Physical Condition	
3.7.1	Introduction.....	38
3.7.2	Physical Condition Monitoring Tools.....	38
3.7.3	Resources for Addressing Physical Repairs and Improvements.....	41
3.7.4	Physical Condition and Regulatory Compliance.....	41
3.7.5	Project Capital Needs Assessment.....	42
Section 3.8	Telecommunications Towers	
3.8.1	Introduction.....	43
3.8.2	General.....	43
3.8.3	Requirements.....	43

Section 3.9	Commercial Space	
3.9.1	Introduction.....	46
3.9.2	Types of Commercial Space for Assisted Living, Intermediate Care, and Skilled Nursing Facilities.....	46
3.9.3	Space and Income Limitations.....	47
3.9.4	Submission Requirements and HUD Review of Commercial Space.....	48
Section 3.10	Special Circumstances Requiring the Notification of the Servicer and/or AE	
3.10.1	Introduction.....	49
3.10.2	Failure to Make Lease Payment.....	49
3.10.3	Default of Master Lease.....	50
3.10.4	Special Focus Facility.....	50
3.10.5	State Inspections	51
3.10.6	Legal Judgments.....	52
3.10.7	Professional Liability Insurance.....	52
3.10.8	Fidelity Bond Coverage.....	53
3.10.9	Notification of Termination of Insurance.....	53
3.10.10	Threat to Abandon Project.....	54
3.10.11	REAC Inspections.....	54
3.10.12	Accounts Receivable Loans.....	55
3.10.13	Unauthorized Distributions.....	55
3.10.14	Bankruptcy.....	56
3.10.15	Delinquent Mortgage Payments.....	57
Appendix 3.1	Resources.....	A-1
Chapter 4	Financial Operations	
4.1	Introduction.....	1
4.2	Financial Submission Requirements.....	1
4.3	Financial Assessment System (FASS) Submissions.....	5
4.4	Financial Risk Metrics of Operator.....	5
Appendix 4.1	Resources.....	A-1
Chapter 5	Section 232 Risk Mitigation Branch and Asset Management Tools	
5.1	Introduction.....	1
5.2	Loan Modifications.....	2
5.3	Section 223(d) Operating Loss Loans (OLL)	4

5.4	Partial Payment of Claim (PPC)	7
5.5	Mortgagee/Servicer Workouts/Claim Procedures and Requirements	16
5.6	HUD-Held Servicing and Note Sales.....	18
Appendix 5.1	Resources.....	A-1
Chapter 6	Departmental Enforcement Center	
6.1	Introduction.....	1
6.2	DEC-REAC-ORCF Enforcement Protocol Overview.....	1
6.3	DEC and Physical Referrals.....	2
6.4	DEC and Financial Referrals.....	2
6.5	DEC and Non-filer or Late-filer Referrals.....	3
6.6	DEC and Other Referral Types.....	3
6.7	DEC and Suspension or Debarment Referrals.....	4
6.8	DEC, ORCF and Lender Successful Collaboration.....	4
Appendix 6.1	Resources.....	A-1
Chapter 7	Change in Ownership: Transfer of Physical Assets	
7.1	Introduction.....	1
7.2	Applicability.....	1
7.3	Transfer Fees.....	3
7.4	Approval Authority.....	4
7.5	Initial and Final Approval Actions.....	4
7.6	Procedures for Processing a Full TPA Review.....	6
7.7	Procedures for Processing a Modified Review TPA.....	8
7.8	Procedures for Processing a Light Review.....	9
7.9	Special Consideration.....	9
7.10	Monitoring.....	10
7.11	Non-Compliance with Transfer.....	11
7.12	Project Capital Needs Assessment (PCNA)	11
7.13	Financial Statement Requirements.....	11
Appendix 7.1	Resources.....	A-1
Chapter 8	Operators and Management Agents	
8.1	Introduction.....	1
8.2	Ongoing Expectations for Operator Performance.....	2
8.3	Ongoing Expectations for Management Agent Performance.....	4
8.4	Expectations for Consultant and Contractor Performance.....	5
8.5	Procedure for Change of Operator and/or Management Agent.....	5
Appendix 8.1	Resources.....	A-1

Chapter 9	New or Modification of Master Lease Structure	
9.1	Introduction.....	1
9.2	Program Considerations.....	2
9.3	Documents for Submission and Review.....	2
9.4	Pre-Application Conference.....	2
	
Appendix 9.1	Resources.....	A-1
Chapter 10	Accounts Receivable Financing and Cash Flow Structures	
10.1	Introduction.....	1
10.2	Applicable Programs.....	1
10.3	Accounts Receivable Financing Application Considerations.....	2
10.4	Document Requirements and Reviews.....	2
10.5	Accounts Receivable Financing Work Outs.....	3
10.6	Cash Flow Charts, DACAs and DAISAs.....	4
10.7	Submission and Review of Cash Flow Charts, DACAs and DAISAs.....	4
Appendix 10.1	Resources.....	A-1
Chapter 11	Presidentially Declared Disaster Guidance	
11.1	Introduction.....	1
11.2	Presidentially Declared Disasters.....	1
11.3	Other Disasters.....	2