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HEALTH LAW NEWS

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NEW 2026 ALTA/NSPS SURVEY STANDARDS: WHAT DEVELOPERS AND COUNSEL SHOULD KNOW

Significant updates to the ALTA/NSPS Land Title Survey Standards will impact health care real estate transactions beginning February 23, 2026. The American Land Title Association ("ALTA") and the National Society of Professional Surveyors ("NSPS") have adopted updated *Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys* (the "2026 Standards"), which take effect February 23, 2026, and replace the 2021 version. Although the fundamental purpose of an ALTA survey remains the same, the 2026 Standards introduce clarifications and new requirements that are particularly relevant for health care real estate transactions, where access, boundary certainty and operational continuity are critical.

CLEARER FRAMEWORK FOR SURVEY PURPOSE AND RELIANCE

The 2026 Standards more explicitly connect the purpose of an ALTA survey to reliance on a current title commitment and acknowledge that additional title research may be required under state law in certain circumstances. For health care projects, this clarification reinforces the need for early coordination among legal counsel, title companies and surveyors to avoid delays that can impact construction schedules, regulatory approvals or financing milestones.

INCREASED TRANSPARENCY AROUND BOUNDARIES AND PRECISION

The 2026 Standards refine how surveyors report Relative Positional Precision, a measure of the expected accuracy of boundary locations based on survey data. They also require clearer disclosure of how the surveyed property relates to adjoining parcels, including any identifiable gaps or overlaps. This enhanced transparency is particularly important for hospital campuses and outpatient developments assembled over time, where multiple parcels, legacy legal descriptions and phased boundary adjustments are common. Boundary discrepancies that may previously have gone unnoticed are now more likely to be identified and clearly documented during due diligence.

EXPANDED ACCESS REPORTING, INCLUDING VEHICULAR ACCESS

In addition to identifying general physical access, surveyors must now specifically identify vehicular access, such as driveways, curb cuts and other observed means of access. For health care facilities, where ambulance routes, patient drop-off areas, service access and parking circulation are operationally essential, this change helps confirm that recorded access rights align with real-world use. At the same time, it may highlight access issues that require easements, licenses or municipal approvals before closing or occupancy.

NEW TABLE A ENCROACHMENT SUMMARY

One of the most notable changes is the addition of Table A Item 20, which, if selected, requires a summary table of observed conditions and potential encroachments on the face of the survey. These could include: (i) building or canopy encroachments common in hospital expansions; (ii) parking, driveway or utility intrusions affecting medical office buildings; and (iii) apparent access or shared-use areas within outpatient or multi-tenant health care campuses that lack documented easements. This summary is designed to make survey findings more accessible to non-surveyors, but it also means potential issues may be more prominently flagged for legal, risk and compliance review.

CERTIFICATION FLEXIBILITY FOR HEALTH CARE PORTFOLIOS

The 2026 Standards clarify that survey certifications may be extended to successors and assigns of the lender, if requested. This can be particularly helpful for health care systems and real estate platforms managing multi-site portfolios, as it may reduce the need for updated surveys in connection with refinancings, restructurings or internal asset transfers.

PRACTICAL TAKEAWAYS FOR HEALTH CARE REAL ESTATE TRANSACTIONS

As the 2026 Standards take effect, health care owners, developers and counsel should:

1. Confirm that new survey requests specify a "2026 ALTA/NSPS Land Title Survey."
2. Carefully evaluate Table A items, particularly those addressing access, utilities, zoning and the new encroachment summary.
3. Expect greater visibility into issues that may affect operations, compliance or future expansion.

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4. Coordinate early with survey and title professionals for hospitals, MOBs and outpatient campuses, where survey findings often intersect with regulatory and operational considerations.

Please contact a member of Hall Render's Real Estate Team if you have questions about how the 2026 Standards may affect a health care real estate transaction or would like assistance tailoring survey scope to support development, leasing or financing goals.

If you have any questions or would like more information, please contact:

- Carla Johnson at (317) 977-1482 or csjohnson@hallrender.com; or
- Your primary Hall Render contact.

Special thanks to Summer Associate Gabe Vaughn for his assistance in the preparation of this article.

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