

Rehabilitation Standards

Thomas Jefferson Planning District Commission

Thomas Jefferson HOME Consortium

PURPOSE

All HOME Participating Jurisdictions must establish rehabilitation standards, pursuant to the implementing regulations at 24 CFR 92.251. These Rehabilitation Standards are designed to outline the requirements for building rehabilitation for all housing projects undertaken by recipients and subrecipients of HOME funds through the Thomas Jefferson HOME Consortium (Consortium). The purpose of the Rehabilitation Standards is to ensure that property rehabilitation puts each building in the best possible position to meet this goal over its extended life and that, at a minimum, all health and safety deficiencies are addressed.

INSPECTION PROCEDURES

Primarily, inspections to monitor compliance with these Rehabilitation Standards will be carried out by the subrecipient's staff, pursuant to the section regarding frequency of inspections, described below. If trained staff are unavailable, HOME funds should be used to hire a qualified contractor to complete the inspection. During Monitoring Site Visits, TJPDC staff will conduct limited inspections. For installation of manufactured homes, inspectors may use the related DHCD inspection checklist.

FREQUENCY OF INSPECTIONS

TJPDC, the subrecipient, and/or contractors will conduct property inspections to identify any deficiencies that must be addressed, and verify adherence to rehabilitation standards and codes. Property inspections will be conducted as the activity progresses, and when the work is completed, to ensure work is done in accordance with applicable codes, the construction contract, and construction documents. For acquisition of standard housing, initial inspection must be conducted no earlier than 90 days before the commitment of HOME assistance. For rental units that undergo rehabilitation, ongoing property condition standards will be inspected before occupancy, and at least once every three years throughout the period of affordability.

COMPLIANCE WITH STATE AND LOCAL CODES, ORDINANCES, AND ZONING REQUIREMENTS

All work undertaken in accordance with these standards shall comply with all applicable commonwealth of Virginia state and local codes, ordinances, and zoning requirements. A copy of the updated Virginia State Codes is located at: <https://www.dhcd.virginia.gov/building-and-fire-regulations-archives> .

The Virginia Uniform Statewide Building Code (USBC) contains the building regulations that must be complied with when constructing a new building, structure, or an addition to an existing building. They must also be used when maintaining or repairing an existing building or renovating or changing the use of a building or structure.

UNIFORM PHYSICAL CONDITION STANDARDS

These Rehabilitation Standards are designed to meet or exceed the HUD's Uniform Physical Condition Standards (UPCS), and ensure that upon completion, the HOME-assisted project and units will be decent, safe, sanitary, and in good repair as described in 24 CFR 5.703.

HEALTH AND SAFETY

If the housing is occupied at the time of rehabilitation, any life-threatening deficiencies must be identified and addressed immediately. As a reference guide, use either Attachment I of the DHCD Rehabilitation Standards (for multifamily housing), or DHCD Housing Quality Standards (for single units).

All grantees, subrecipients developers, contractors must address potential life threatening deficiencies as well as educate clients on any potential dangers existing in their housing unit if the housing is occupied at the time of rehabilitation. Potential life threatening deficiencies and common client education topics include, but are not limited to:

- A. Combustion—if a heating system is present that requires combustion air, the client must be educated on the importance of keeping combustion air vents free and uncovered. Clients must also be informed if there are unsafe conditions that are discovered during the combustion appliance testing and be instructed not to operate it until it is repaired or replaced. All conditions must be corrected by the property rehabilitation activities.
- B. Smoke and Carbon Monoxide Detectors – clients should be shown how to test and replace the batteries.
- C. Unvented Space Heaters – unvented space heaters should be removed, due to dangers of carbon monoxide poisoning. Clients should be educated on the dangers of fuel-fired unvented space heater.
- D. Materials testing positive or assumed to contain asbestos should be identified and revealed to the client. Further instruction must be given on how to avoid disturbing such material, especially when it is friable.
- E. Moisture and mold – clients should be instructed on how to remove excess moisture from the dwelling (e.g., exhaust fans when taking showers or cooking).
- F. Power supply inspections, repair, or upgrades
- G. Inspection for gas leaks
- H. Inspection for adequate combustion air for combustion heating appliances
- I. Draft and pressure tests for combustion appliances
- J. Inspection of vent systems, to include the chimney
- K. Inspection for adequate clearance from combustibles
- L. Inspection of safety controls on combustion appliances

All federal, state and local rules, regulations, and guidelines are applicable to all grantees, developers, contractors. This includes health and safety rules and regulations as mandated by the federal Occupational Safety and Health Administration (OSHA) as well as by the Virginia Department of Labor and Industry (DOLI) and the Virginia Occupational Safety and Health (VOSH).

Health and safety practices apply to motor vehicle operation in addition to actual rehabilitation activities. Unauthorized drivers or untrained equipment operators can imperil a contractor's licensing. Tools and equipment should be properly used, maintained, and stored. Vehicles should receive regular care and maintenance. Proper documentation regarding warranties, routine maintenance records, repairs, etc. is a critical aspect of acceptable safety practices. Work must be done in such a manner as to protect workers and clients as much as possible.

ACCESSIBILITY

All work undertaken in accordance with these standards shall comply with all applicable laws and codes of the commonwealth of Virginia, and local codes, ordinances, and zoning requirements that require

compliance with the accessibility requirements in 24 CFR part 8, which implements section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12134) implemented at 28 CFR parts 35 and 36, as applicable.

“Covered multifamily dwellings,” as defined at 24 CFR 100.201, must also meet the design and construction requirements at 24 CFR 100.205, which implements the Fair Housing Act (42 U.S.C. 3601-3619). Rehabilitation may include improvements that are not required by regulation or statute that permit use by a person with disabilities.

MAJOR SYSTEMS

Major systems are: structural support; roofing; cladding and weatherproofing (e.g., windows, doors, siding, gutters); plumbing; electrical; and heating, ventilation, and air conditioning.

- A. For rental housing, subrecipients and contractors must estimate (based on age and condition) the remaining useful life of these systems, upon project completion of each major systems.
- B. For multifamily housing projects of 26 units or more, subrecipients and contractors must determine the useful life of major systems through a capital needs assessment of the project.
- C. For rental housing, if the remaining useful life of one or more major system is less than the applicable period of affordability, the subrecipients’ standards must require the subrecipient to ensure that a replacement reserve is established and monthly payments are made to the reserve that are adequate to repair or replace the systems as needed.
- D. In the case of homebuyer rehabilitation, upon completion each of the major systems shall have a minimum useful life of no less than 5 years or the major systems must be rehabilitated or replaced as part of the rehabilitation work.

LEAD BASED PAINT

All work undertaken in accordance with these standards shall comply with the Lead Safe Housing Rule (LSHR) at 24 CFR Part 35, implementing Title X of the 1992 Housing and Community Development Act for HOME and HTF funded housing programs. This regulation has been in effect since September 15, 2000. The lead-based paint regulation at 24 CFR Part 35 consolidates all lead-based paint requirements for HUD-assisted housing.

DISASTER MITIGATION

To the extent applicable/relevant, the housing must be improved to mitigate the potential impact of potential disasters (e.g. earthquakes, hurricanes, floods, wildfires) in accordance with state or local codes, ordinances, and requirements, or such other requirements that HUD may establish.

Specifically regarding flood hazards, the most relevant potential natural disaster for the commonwealth of Virginia:

- A. Projects funded with only HOME funds shall meet FEMA federal regulation, and HUDs’ floodplain management requirements at 24 CFR 55, including the 8-Step Floodplain Management Process (when applicable) at 24 CFR 55.20 where applicable.
- B. Projects shall meet fluvial erosion prevention requirements per local municipality codes, regulations or ordinances.
- C. Projects funded with NHTF or a combination of HOME and NHTF funding must meet the environmental provisions of the NHTF requirements (24 CFR 55) including guidance cited in the CPD notice providing additional guidance for Housing Trust Fund Environmental Provisions. (CPD-16-14)

CONSTRUCTION CONTRACTS

Construction contract(s) and construction documents must describe the work to be undertaken in adequate detail so that inspections can be conducted. Recipients and subrecipients of HOME funds must review and approve written cost estimates for construction and determine that costs are reasonable. Subrecipients must conduct progress and final inspections of construction to ensure that work is done in accordance with the applicable codes, the construction contract, and construction documents.

BROADBAND INFRASTRUCTURE

New construction housing projects of buildings with more than 4 rental units must include installation of broadband infrastructure except where either of the following are true:

- A. Project location makes installation of broadband infrastructure infeasible; or
- B. The cost of installing infrastructure would result in an undue financial burden.

CAPITAL NEEDS ASSESSMENTS

For multifamily rental housing projects of 26 or more total units, the developer, sub-recipients, or grantee must determine all work that will be performed in the rehabilitation of the housing and the long-term physical needs of the project through a Capital Needs Assessment of the project.

ONGOING PROPERTY CONDITION STANDARDS: RENTAL HOUSING

Owners of HOME-assisted rental units must maintain the housing as decent, safe, and sanitary housing in good repair, and must remain in compliance with state and local codes, ordinances, and requirements throughout the period of affordability. Rental units and all rehabilitation, construction, and maintenance efforts must adhere to the Health and Safety standards within this Rehabilitation Standards. Housing must meet the lead-based paint requirements in 24 CFR 35. Subrecipients may use the HUD Housing Choice Voucher Program Inspection Checklist as guidance for rental housing inspections.