APPENDIX I

24 C.F.R 200.925a-c
Rules for Multifamily and Care-Type Housing

The following portions of 24 C.F.R Part 200 have been included for the convenience of the users of this handbook. These provisions established procedures relating to the use of local or model codes in conjunction with the standards contained in this handbook.

§200.925a Multifamily and care-type minimum property standards.

(a) Construction Standards. Multifamily or care-type properties shall comply with the minimum property standards contained in the handbook identified in §200.929(b)(2). In addition, each such property shall, for the Department's purposes, comply with:

(1) The applicable state or local building code, if the property is located within a jurisdiction which has a building code accepted by the Secretary under §200.925(d); or

(2) (i) The applicable State or local building code, and

(ii) Those portions of the codes identified in 200.925c which are designated by the HUD Field Office serving the jurisdiction in which the property is to be located, if the property is located in a jurisdiction which has a building code partially; accepted by the Secretary; or

(3) The appropriate codes, as identified in §200.925c(c), if the property is not located within a jurisdiction which has a building code accepted by the Secretary.

(b) Conflicting Standards. The minimum property standards contained in the handbook identified in §200.929(b)(2) do not preempt State or local standards, nor do they alter or affect a builder's obligation to comply with any State or local requirements. However, a property shall be eligible for benefits only if it complies with all applicable minimum property standards, including referenced standards.

(c) Standard for Evaluating Local Building Codes. The Secretary shall compare a State or local building code applicable to residential or institutional occupancy, as appropriate and submitted under §200.925a(d), to the list of construction related areas contained in §200.925b.

(1) A State or local code will be accepted if it regulates each area on the list. However, for seismic design, ASCE 7-88 is mandatory.

(2) A State or local building code will be partially accepted if it regulates most of the areas on the list provided, however, that no code may be partially accepted if it fails to regulate subareas in more than one of the major areas: fire safety, light and ventilation, structural loads, seismic design, foundation systems, materials standards, construction components, glass, mechanical, plumbing, electrical and elevators, See §200.925b.

(3) For purposes of this paragraph, a State or Local code regulates an area if it establishes a standard concerning that area. However, for seismic design ASCE 7-88 is mandatory.

(d) Review Process and Acceptance.

(1) Jurisdictions without previously accepted building codes. The following submission requirements apply to developers and other interested parties in jurisdictions without building codes, jurisdictions with building codes which have never been submitted for acceptance, and jurisdictions with building codes which have been submitted for acceptance and neither accepted nor partially accepted by the Secretary.

(i) Developers or other interested parties must comply with one of the following by the time of application for insurance or other benefits:

(A) The developer or other interested party may choose to comply with the appropriate codes as identified in §200.925c. If the developer or other interested party so chooses, then the multifamily or care-type property shall be constructed in accordance with one of the model codes designated in subparagraph (c) (1), (2) or (3) of §200.925c and with any other code or codes identified in the same paragraph. In such instances, the developer or other interested party shall notify the Department of the code or group of codes with which it intends to comply by the time of application for insurance or other benefits; or

(B) The developer or other interested party may choose to comply with the State or local building code, if such code is acceptable to the Secretary. To obtain the Secretary's acceptance, the developer or other interested party shall submit the material specified in §200.925a(d)(1)(ii) to the HUD Field Office serving the jurisdiction in which the property is to be constructed. Such material may be submitted at any time provided, however, that it must be submitted no later than the time of application for mortgage insurance or other benefits.

(ii) If, under §200.925a(d)(1)(i)(B), the developer or other interested party chooses to comply with the State or local building codes as prescribed in §200.925a(a)(1), it shall submit the following material to the HUD Field Office serving the jurisdiction in which the property is to be constructed:

(A) A copy of the jurisdiction's building code, including all applicable service codes, appendices and referenced standards;

(B) A copy of the statute, ordinance, regulation, or order establishing the code, if such statute, ordinance, regulation or order is not contained in the building code itself.

However, the developer or other interested party need not submit any part already on file in the Field Office; and,

(2) Jurisdictions with previously accepted or partially accepted building codes. The following submission requirements apply to developers and other interested parties in any jurisdiction with a building code which has been accepted or partially accepted by the Secretary:

(i) At the time of application for mortgage insurance or other benefits, the developer or other interested party shall submit to the HUD Field Office servicing the jurisdiction in which the property is to be constructed;

(A) A certificate stating that, since its acceptance by the Secretary, the jurisdiction's building code has not been changed; or

(B) (1) A copy of all changes to the jurisdiction's building code, including all applicable service codes and appendices, which have been made since the date of the code's acceptance by the Secretary. However, the developer or other interested party need not submit any part already in the possession of the Field Office; and

(2) A copy of the statute, ordinance, regulation, or order making such changes in the code.

(3) Notification of Decision. The Secretary shall review the material submitted under §200.925a(d)(1)(ii) and §200.925a(d)(2)(i). Following that review, the Secretary shall issue a written notice (except in the case of a previously accepted code which hasn't been changed) to the submitting party stating whether a State or local building code has been accepted, partially accepted, or whether the Secretary's previous acceptance or partial acceptance has been continued; the basis for the Secretary's decision; and a notification of the submitting party's right to present its views concerning the denial of acceptance if the code is neither accepted nor partially accepted. The Secretary may, in his discretion, permit either an oral or written presentation of views.

(i) If a developer or other interested party is notified that a State or local building code has not been accepted, then the multifamily or care-type properties eligible for HUD benefits in that jurisdiction shall be constructed in accordance with appropriate codes indicated in §200.925c(c). In such instances, the developer or other interested party shall notify the HUD Field Office of the code or codes with which it chooses to comply, in accordance with §200.925a(d)(1)(i)(A).

(ii) If a developer or other interested party is notified that a State or local building code has been partially accepted, the multifamily or care-type properties eligible for HUD benefits in that jurisdiction shall be constructed in accordance with the applicable State or local building code, plus those additional requirements identified in the written notice issued by the Secretary under §200.925a(d)(3). The written notice shall identify, in accordance with Appendix J of the Handbook identified in §200.929 (b)(2), those portions of the codes listed at §200.925c(a) with which the property must comply.

(iii) Each Field Office will maintain a current list of jurisdictions with accepted building codes in a current list of jurisdictions with partially accepted building codes. The lists shall indicate acceptance or partial acceptance, and will be available to any interested party upon request. In addition, the list of jurisdictions whose codes have been partially accepted shall identify those portions of the codes listed at 200.925c(a) with which the property must comply.

* §200.925b Residential and institutional building code comparison items.

HUD will review each local code submitted under this Chapter to determine whether it regulates all of the following areas and subareas:

(a) Fire safety.

(1) Construction types permitted;
(2) Allowable height and area;
(3) Fire separations;
(4) Fire resistance requirements;
(5) Means of egress (number and distance);
(6) Individual unit smoke detectors;
(7) Building alarm systems;
(8) Highrise criteria.

(b) Light and ventilation.

(1) Habitable rooms;
(2) Bath and toilet rooms.

(c) Structural loads.

(1) Design live loads;
(2) Design dead loads;
(3) Snow loads;
(4) Wind loads; use ASCE 7-88
(5) Earthquake loads (in localities identified by ASCE 7-88 (Formerly ANSI A58.1) as being is seismic zones 1, 2, 3, or 4, and Guam.);
(6) Special loads, i.e., soil pressure, railings, interior walls etc.

(d) Foundation systems.

(1) Soil test;
(2) Foundation depths;
(3) Footings;
(4) Foundation materials criteria;
(5) Piles, i.e., materials, allowable stresses, design;
(6) Excavation.

(e) Materials standards.

(f) Construction components.

(1) Steel;
(2) Masonry;
(3) Concrete;
(4) Gypsum;
(5) Lumber;
(6) Roof construction and covering;
(7) Chimneys and fireplaces.

(g) Glass.

(1) Thickness/area requirements;
(2) Safety glazing.

(h) Mechanical.

(1) Heating, cooling and ventilation systems;
(2) Boilers and pressure vessels;
(3) Gas, liquid and solid fuel piping and equipment;
(4) Chimneys and vents;
(5) Ventilation (air changes).

(i) Plumbing.

(1) Materials standards;
(2) Sizing and installing drainage systems;
(3) Vents and venting;
(4) Traps;
(5) Cleanouts;
(6) Plumbing fixtures;
(7) Water supply and distribution;
(8) Storm drain systems.

(j) Electrical.

(1) Wiring design and protection;
(2) Wiring methods and materials;
(3) Equipment for general use;
(4) Special equipment;
(5) Special conditions;
(6) Communication systems.

(k) Elevators

(1) Reference ASME/ANSI Standard A17.1-1987; and the ASME/ANSI A17.1-1989 Addenda.
(2) Acceptance tests and periodic tests.

§200.925c Model Codes.

(a) Incorporation by reference. The following publications are incorporated by reference under 5 U.S.C. §522(a) and 1 CFR Part 51. The incorporation by reference of these publications has been approved by the Director of the Federal register. The locations where copies of these publications are available are set forth below.

(1) Model Building Codes.

(i) The BOCA National Building Code, Plumbing Code and Mechanical Code, 1993 Editions, Chapter 1, administration and enforcement are to be excluded from each code as well as the words "or fire retardant wood for a distance of 4 feet (1219 mm) from the wall" in exception number 1 of paragraph 705.6 of the Building Code. The Appendices or reference standards are to be included as a part of the codes. Available from the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478.

(ii) The Southern Standard Building, Plumbing, Mechanical and Gas Code, 1991 Editions including the 1992 and 1993 to the building code and the 1992 revisions to the Gas and Mechanical Codes, but excluding Chapter 1 - Administration from each code and the phrase "or fire retardant treated wood" in reference note (a) of table 600 Chapter 6 of the Building Code but including Appendices A, C, E, J, K, M and R. Available from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, AL 35213.

(iii) Uniform Building Code, 1991 Edition including the 1993 Accumulative Supplement, but excluding Part I - Administrative, and the reference to fire retardant treated plywood in Section 2504(c)3 and to fire retardant treated wood in 1 - HR type III and V construction referenced in paragraph 4203.2., but including the Appendix of the Code. Uniform Plumbing Code, 1991 Edition, including the 1992 Code Changes but excluding Part I - Administration, but including the Appendices of the Code. Uniform Mechanical Code, 1991 Edition, including the 1993 Accumulative Supplement but excluding Part I - Administrative, but including the Appendices of the Code. All available from the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601.

(2) National Electrical Code, NFPA 70, 1993 Edition, including the appendices. Available from the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269.

(3) National Standard Plumbing Code, 1993 Edition, including appendices. Available from the National Association of Plumbing - Heating - Cooling Contractors, P. O. Box 6808, Falls Church, VA 22046.

(b) Model Code Compliance Requirements.

(1) When a multifamily or care-type property is to comply with the model building codes set forth in §200.925c(a)(1), the following requirements of those model codes shall not apply to those properties:

(i) Those provisions of the model codes that do not pertain to residential or institutional buildings;

(ii) Those provisions of the model codes that establish energy requirments for multifamily or care-type structures and;

(iii) Those provisions of the model codes that require or allow the issuance of permits of any sort.

(2) Where the model codes set forth in §200.925c(a)(1) designate a building, fire, mechanical, plumbing or other official, the Secretary's designee in the HUD Field Office serving the jurisdiction in which the property is to be constructed shall act as such official.

(c) Designation of Model Codes. When a multifamily or care-type property is to comply with a model code, it shall comply with one of the model codes designated in paragraph (1), (2), (3) or (4) below and with any other code or codes identified in the same paragraph. In addition, such property shall comply with all of the standards which are incorporated into such code or codes by reference. The developer or other interested party shall notify the Department of the code or group of codes with which it intends to comply by the time of application for insurance or other benefits.

(1) The BOCA National Building, Plumbing and Mechanical Code, 1993 Edition.

(2) Standard Building, Plumbing, Mechanical and Gas Codes, 1991 Editions, including the 1992 and 1993 supplements.

(3) Uniform Building, Plumbing and Mechanical Codes, 1991 Editions, including the 1993 supplement.

(4) The National Electrical Code. NFPA 70, 1993 Edition.