



CITY OF SAN ANTONIO
**NEIGHBORHOOD & HOUSING
SERVICES DEPARTMENT**

RESIDENTIAL CONSTRUCTION MANAGEMENT POLICY
For Acquisition, New Construction, and Rehabilitation



Effective Date: March 1, 2017

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Introduction

In order to comply with 24 CFR 92.251, all HOME-funded properties must meet certain minimum property standards at project completion. Table 1 lists the minimum property standards that apply to each type of HOME activity. These property standards apply to project commitments on or after January 24, 2015 -

City Residential Building Codes: Includes all adopted building codes, land use regulations and the City's design and construction standards;

Uniform Physical Condition Standards (UPCS): UPCS are uniform standards established by HUD pursuant to 24 CFR 5.703 to ensure that housing is decent, safe, sanitary, and in good repair;

Housing Quality Standards (HQS): This standard applies only to tenant-based rental assistance (TBRA) inspections and is covered in 24 CFR 982.401;

Lead Safe Housing Rule Standards: The Lead Safe Housing Rule (24 CFR Part 35) requires certain actions in pre-1978 properties to identify and address lead hazards for all HOME-assisted activities;

Accessibility for persons with disabilities: In some cases, requirements related to accessibility for persons with disabilities apply pursuant to the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act;

Site and neighborhood standards: The site and neighborhood standards of 24 CFR 983.57(e)(2) and (e)(3) apply to the new construction of rental housing;

Manufactured home safety and construction standards: All new manufactured housing must meet the construction and safety standards of 24 CFR 3280.

Table 1

Applicable Section of the Manual	Minimum Property Standards by Activity	Minimum Property Standard to be Met
Section 4	Tenant-Based Rental Assistance (TBRA)	<ul style="list-style-type: none"> • Housing Quality Standards • Lead Safe Housing Rule
Section 5	<u>Single Family Homebuyer Property Standards</u> - Acquisition of newly constructed or existing housing including manufactured housing with no rehabilitation or construction (i.e. acquisition only)	<ul style="list-style-type: none"> • Texas Department of Housing and Community Affairs' Texas Minimum Construction Standards • City Residential Building Code • Lead Safe Housing Rule • Broadband Infrastructure • Down Payment Assistance <ul style="list-style-type: none"> ○ City Residential Building Code ○ Uniform Physical Condition Standards
Section 5	<u>Single Family Homeowner Property Standards</u> - Rehabilitation of housing	<ul style="list-style-type: none"> • Major systems must have a useful life of at least five years, upon project completion. • Texas Department of Housing and Community Affairs' Texas Minimum Construction Standards • City Residential Building Code • Accessibility Requirements • Lead Safe Housing Rule
Section 5	<u>Single Family Homebuyer Property Standards</u> - New construction of housing	<ul style="list-style-type: none"> • City Residential Building Code • Accessibility Requirements • Manufactured Home Construction and Safety Standards • Broadband Infrastructure
Section 6	<u>Multi-Family Property Standards</u> - Acquisition of newly constructed or existing housing including manufactured housing with no rehabilitation or construction (i.e. acquisition only)	<ul style="list-style-type: none"> • Texas Department of Housing and Community Affairs' Property Standards for HOME Multifamily. • City Residential Building Code • Uniform Physical Condition Standards • Lead Safe Housing Rule • Broadband Infrastructure
Section 6	<u>Multi-Family Property Standards</u> - Rehabilitation of housing	<ul style="list-style-type: none"> • Major systems must have a useful life of at least five years, upon project completion. • City Residential Building Code • Uniform Physical Condition Standards • Texas Department of Housing and Community Affairs' Property Standards for HOME Multifamily. • Accessibility Requirements • Lead Safe Housing Rule
Section 6	<u>Multi-Family Property Standards</u> - New construction of housing	<ul style="list-style-type: none"> • City Residential Building Code • Accessibility Requirements • Site and Neighborhood Standards

Section 1: General Information

The U.S. Department of Housing and Urban Development provides programmatic funds to rehabilitate and construct affordable housing. Developers shall ensure that projects are in compliance with City Residential Building Code current at the time of permit issuance.

The City has adopted additional standards related to the rehabilitation of affordable housing units and are described beginning in Section 2. The following general information items are applicable to all residential construction projects.

- 1.1 Permits:** The Contractor shall obtain and display at the job site all permits and permit cards as required by the City.
- 1.2 Site Use:** The Contractor shall use the site and its facilities only for the specified construction. The electrical, sanitary waste, water, and gas system shall be used only for construction purposes during the construction phase.
- 1.3 Sanitary Facilities:** Contractor shall be responsible to determine the need for adequate sanitary facilities and to provide those accommodations on site.
- 1.4 Equipment:** Contractor shall be responsible for the safe operation of equipment at all times.
- 1.5 Trades persons:** All work shall be done with skilled and licensed craftsman and accomplished with care.
- 1.6 Construction Materials:** All materials used shall be new (unless otherwise specified in the specifications manual) and of a good quality.
- 1.7 Qualifications of Bidders:** The Owner or the City, acting on behalf of the Owner, may make such investigations as the Owner or the City deems necessary to determine the ability of the offeror to perform the work, and the offeror shall furnish to the Owner and the City all such information and data for this purpose as the Owner or the City may request. The Owner, or the City acting on the Owner's behalf, reserves the right to reject any proposal if the evidence submitted by, or investigation of, such offeror fails to satisfy the Owner or the City that the offeror is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein.
- 1.8 Duplicate Codes:** This document is not intended to take the place of or duplicate the codes adopted by the City. It is intended to clearly define the various methods of construction and the specific materials to be used in the rehabilitation (construction) work outlined in the description of the work to be performed.
- 1.9 Contract Documents:** Prime contractor, general contractor, and sub-

contractor agreements shall utilize the appropriate [AIA Contract Document](#) for all construction agreements. All construction invoicing shall utilize the [AIA G702 Application and Certificate for Payment](#) form.

Section 2: Construction Standards

- 2.1 **The minimum property standards** contained in this policy do not preempt State or City standards, nor do they alter or affect a builder's obligation to comply with any State or City requirements. However, a property shall be eligible for benefits only if it complies with all applicable minimum property standards, including referenced standards.
 - 2.2 **Conflicting Standards:** In any case where construction standards may conflict with state law and/or City ordinances, the more restrictive requirement shall prevail.
 - 2.3 **Final Authority:** In the event interested parties cannot agree to a resolution in regard to conflicting standards, the City of San Antonio, Grants Administrator or designee reserves the final authority to determine, in the Grants Administrator or designee's sole discretion, which standard shall be implemented.
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Section 3: Definitions

- 3.1 **Texas Department of Housing and Community Affairs (TDHCA) Texas Minimum Construction Standards (TMCS):** The purpose of the [TMCS document](#) is to identify requirements for Rehabilitation while promoting healthy, safe and decent housing for low- to moderate- income households. TMCS outlines the minimal level of work, methods and materials required, for rehabilitation work. The TCMS will be utilized in order to evaluate and determine that rehabilitation work is in compliance.
- 3.2 **City Residential Building Codes:** This document is not a substitute for [City Residential Building Code](#) (CRBC), which will typically apply to any substantial new work that is being done on existing structures. In some cases, CRBC will apply to existing conditions whether addressed in the course of rehabilitation, or not. In all cases, grantees are responsible for determining the applicability of local building codes.

Note - The City's Residential Building Code does not include a disaster mitigation plan.
- 3.3 **Lead Safe Housing Rule:** Pre-1978 housing assisted with HOME funds is subject to implementing regulations at [24 CFR Part 35](#), subparts A, B, J, K, M and R of this title. All units in a project assisted with HOME funds shall comply with the

regulation implementation Title X of the 1992 Housing and Community Development Act.

3.4 Manufactured Home and Construction Standards: New manufactured housing shall meet the Manufactured Home Construction and Safety Standards established in 24 CFR Part 3280, which preempt state and local codes covering the same aspects of performance for such housing. Installation of manufactured housing units shall comply with applicable State of Texas and City Residential Building Code. In the absence of such laws or codes, the installer shall comply with the manufacturer's written instructions for installation of the manufactured housing units.

New manufactured housing shall:

- 1) be installed according to state or local codes (or, if none, the manufacturer's written instructions),
- 2) be on a permanent foundation [that meets the requirements of 24 CFR 203.43f (c)(i)],
- 3) have permanent utility hook-ups, and
- 4) be located on land that is owned by the manufactured housing unit owner or land for which the manufactured housing owner has a lease for a period at least equal to the applicable period of affordability.

If manufactured housing is rehabilitated with HOME funds, the foundation and anchoring must meet all applicable state and local codes, ordinances, and requirements; or, if none, the Model Manufactured Home Installation Standards at 24 CFR 3285; and, meet the other property standards for units rehabilitated with HOME funds.

3.5 Uniform Physical Condition Standards (UPCS): A set of standards established by HUD pursuant to 24 CFR 5.703 for housing that is decent, safe, sanitary, and in good repair. The [inspection checklist](#) will assess the physical condition of housing units which are assisted under various programs of HUD. Inspection areas include, but are not limited to, site, building exterior, building systems, dwelling units, and common areas.

3.6 Major Systems for homeownership and rental housing include structural support, roofing, cladding, and weatherproofing (e.g., windows, doors, siding, gutters), plumbing, electrical and heating, ventilation, and air conditioning. Upon project completion, each of the major systems shall have a remaining useful life of at least five years; otherwise, the major systems shall be rehabilitated or replaced as part of the rehabilitation work;

For projects with 26 or more units, this determination shall be done with a capital needs assessment. If the remaining useful life of a system is less than the affordability period, it must be replaced or rehabilitated. Estimates and capital needs assessments shall be certified by an architect or engineer experienced and competent in this type of work.

3.7 Accessibility for Persons with Disabilities: The housing must meet the

accessibility requirements of [24 CFR Part 8](#), which implements the Fair Housing and Section 504 of the Rehabilitation Act of 1973, and Titles II and III of the Americans with Disabilities Act implemented at [28 CFR Part 35](#) and [28 CFR Part 36](#), as applicable.

3.8 Site and Neighborhood Standards: For the new construction of rental housing, the City is responsible for making the determination that proposed sites for new construction meet the requirements in [24 CFR 983.57\(e\)\(2\) and \(3\)](#). A site and neighborhood standards certification form shall be included in the project application. City will review and verify accuracy of this certification prior to commitment of HOME funds.

3.9 Broadband Infrastructure - For a new construction housing project of a building with more than 4 rental units, the construction must include installation of broadband infrastructure, as this term is defined in [24 CFR 5.100](#).

3.10 Housing Quality Standards (HQS): For Tenant-Based Rental Assistance only, the City is required to use HQS or the successor requirements established by HUD, for HOME tenant-based rental assistance only. The [HQS Inspection Form](#) shall be used to ensure that a property meets HUD's Housing Quality Standards.

3.11 Texas Department of Housing and Community Affairs (TDHCA) Property Standards for HOME Multifamily: The [Property Standards for HOME Multifamily](#) document is intended to provide the minimum property standards for new construction, reconstruction, rehabilitation, and maintenance of multifamily housing facilities that receive federal assistance.

Section 4: Tenant-Based Rental Assistance (TBRA)

TBRA provides assistance to individual households, rather than subsidizing particular rental projects. TBRA helps tenants afford the housing costs of market-rate rental units. In addition, the TBRA assistance moves with the tenant -

4.1 Tenant-Based Rental Assistance only:

- [Housing Quality Standards \(HQS\)](#) or the successor requirements established by HUD. The use of HQS is required for HOME tenant-based rental assistance only. HUD uses an HQS Inspection Checklist to ensure compliance during initial and annual inspections.
- [Lead Safe Housing Rule](#): All units in a project assisted with HOME funds shall comply with the regulation implementation Title X of the 1992 Housing and Community Development Act (24 CFR Part 35).

Section 5: Single Family Property Standards

Properties that are acquired, rehabilitated, or newly constructed with HOME funds must meet specific standards required by the HOME Rule.

5.1 Acquisition only: Properties receiving assistance for acquisition only (without rehabilitation) that are newly constructed units, and any units that have been rehabilitated within 12 months of project commitment, the property shall meet-

- [TDHCA's Texas Minimum Construction Standards](#)
- [City Residential Building Code](#)
- [Lead Safe Housing Rule](#)
- [Broadband Infrastructure](#)
- [Down Payment Assistance](#)
 - [City Residential Building Code](#)
 - [Uniform Physical Condition Standards](#)

5.2 Rehabilitation: If the project involves rehabilitation, the following property standards and requirements apply -

- [Major Systems Useful Life](#)
- [City Residential Building Code](#)
- [TDHCA's Texas Minimum Construction Standards](#)
- [Accessibility Requirements](#)
- [Lead Safe Housing Rule](#)

5.3 New Construction: If the project involves new construction, the following standards and requirements apply -

- [City Residential Building Code](#)
- [Accessibility Requirements](#)
- [Manufactured Home Construction and Safety Standards](#)
- [Broadband Infrastructure](#)

5.4 Inspections: City shall inspect the property prior to occupancy or at project completion to ensure compliance with applicable standards and codes. The property shall be free from any defects that pose a danger to the health and safety of occupants before occupancy. The property shall meet all standards and City codes and ordinances at project completion.

Section 6: Multi Family Property Standards

Properties that are acquired, rehabilitated, or newly constructed with HOME funds must meet specific standards required by the HOME Rule.

6.1 Acquisition only: For properties receiving assistance for acquisition only (without rehabilitation) that are newly constructed units, and any units that have been rehabilitated within 12 months of project commitment, the property must meet the HOME property standards for new construction or rehabilitation.

- [TDHCA's Property Standards for HOME Multifamily](#)
- [City Residential Building Code](#)
- [Uniform Physical Condition Standards](#)
- [Lead Safe Housing Rule](#)
- [Broadband Infrastructure](#)

6.2 Rehabilitation: If the rental project involves rehabilitation, the following property standards and requirements apply.

- [Major Systems Useful Life](#)
- [City Residential Building Code](#)
- [Uniform Physical Condition Standards](#)
- [TDHCA's Property Standards for HOME Multifamily](#)
- [Accessibility Requirements](#)
- [Lead Safe Housing Rule](#)

6.3 New Construction: If the rental project involves new construction, the following standards and requirements apply:

- [City Residential Building Code](#)
- [Accessibility Requirements](#)
- [Site and Neighborhood Standards](#)
- [Broadband Infrastructure](#)

6.4 Inspections: City shall inspect the property prior to occupancy or at project completion to ensure compliance with applicable standards and codes. The property shall be free from any defects that pose a danger to the health and safety of occupants before occupancy. The property shall meet all standards and City codes and ordinances at project completion.

Section 7: Affordability Period for Rental Housing

7.1 Ongoing standards during affordability period: During the affordability

period, the property owner shall ensure that properties comply with:

- [Uniform Physical Condition Standards](#)
- [City Residential Building Code](#)
- [Lead Safe Housing Rule](#)

7.2 Periodic property inspections: The City shall perform on-site inspections of HOME-assisted rental housing to determine compliance with their property standards and to verify the information submitted by the owners in accordance with these requirements:

- The on-site inspections shall occur within 12 months after project completion and at least once every 3 years thereafter during the period of affordability;
- If there are observed deficiencies for any of the inspectable items in the property standards established by the City, a follow-up on-site inspection to verify that deficiencies are corrected shall occur within 12 months. The City may establish a list of non-hazardous deficiencies for which correction can be verified by third party documentation (e.g., paid invoice for work order) rather than re-inspection. Health and safety deficiencies must be corrected immediately. The City shall adopt a more frequent inspection schedule for properties that have been found to have health and safety deficiencies;
- The property owner must annually certify to the City that each building and all HOME- assisted units in the project are suitable for occupancy, taking into account State and local health, safety, and other applicable codes, ordinances, and requirements, and the ongoing property standards established by the City; and
- Inspections shall be based on a statistically valid sample of units appropriate for the size of the HOME-assisted project, as set forth by HUD through notice. For projects with one-to-four HOME-assisted units, City shall inspect 100 percent of the HOME-assisted units and the inspectable items (site, building exterior, building systems, and common areas) for each building housing HOME-assisted units.