

FAIRFAX COUNTY, VIRGINIA

Department of Housing and Community Development

Rehabilitation Standards for Affordable Housing

I. PURPOSE

- A. The Fairfax County Department of Housing and Community Development (HCD) Rehabilitation Standards for Affordable Housing (“Rehabilitation Standards”) is designed to outline the requirements for building rehabilitation for Community Development Block Grant (CDBG) and/or HOME Investment Partnerships Program (HOME)-assisted housing.
- B. Any recipient or subrecipient of Department of Housing and Urban Development (HUD) CDBG and/or HOME funds must comply with the provisions of the Rehabilitation Standards. Failure to comply shall be considered a violation of the funding agreement and may result in termination of funding and repayment of funds expended.
- C. HCD administers the CDBG and HOME programs on the behalf of the jurisdiction, but the selection of project and the award of funds is subject to the approval of the Fairfax County Redevelopment Housing Authority (FCRHA). These Rehabilitation Standards support the mission of the FCRHA’s of providing safe, functional, and affordable housing that meets the needs of the tenants.

II. STATE AND LOCAL CODES, ORDINANCES, AND ZONING REQUIREMENTS

- A. Fairfax County enforces the Virginia Uniform Statewide Building Code (USBC) and the Statewide Fire Prevention Code (SFPC). Both codes are administered by the Virginia Department of Housing and Community Development and reference the International Codes as published by the International Code Council:
 - i. New Construction: Virginia Construction Code
<https://codes.iccsafe.org/public/document/toc/611/>
 - ii. Rehabilitation: Virginia Rehabilitation Code
<https://codes.iccsafe.org/public/document/toc/596/>
 - iii. Acquisition: Virginia Maintenance Code
<https://codes.iccsafe.org/public/document/toc/600/>
- B. Projects involving both acquisition and rehabilitation or new construction must comply with the more stringent property code. In the absence of a State or local building code that applies to rehabilitation, the International Existing Building Code (IEBC) of the ICC applies.
- C. All work shall be done in compliance with the Building Codes, Zoning Codes and applicable ordinances in force by the County of Fairfax and the State of Virginia:

- i. IBC 2015 Virginia Construction Code
- ii. 2009 Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1)
- iii. 2015 Virginia Residential Code (IRC)
- iv. 2015 Virginia Energy Conservation Code
- v. 2015 Virginia Mechanical Code (IMC)
- vi. 2015 Virginia Plumbing Code (IPC)
- vii. 2015 Virginia Fuel Gas Code (IFGC)
- viii. 2014 National Electrical Code | www.nfpa.org
- ix. 2015 Virginia Existing Building Code (IBC) | USBC, Part II
- x. 2015 Virginia Maintenance Code (IBC) | USBC, Part III

- D. Before a determination can be made as to whether FCRHA funds will be invested in any given project, an analysis of what the actual project costs will be conducted, based upon the type of activity the funds will be used for (new construction, rehabilitation, and/or acquisition).
- E. For HOME-assisted homeownership properties, if the after-rehabilitation value of the assisted property is determined to exceed 95% of the median purchase price for the area, as published by HUD, the property shall be considered not suitable for rehabilitation for non-compliance with Section 92.254 of the HOME regulations.
- F. All Fairfax County applicable permits shall be obtained prior to commencing construction as required by the County and permitted work, including work specs, shall be provided to HCD upon request. Documentation of permits, inspections and approvals shall be maintained in the property case file for each project.

III. LEAD BASED PAINT ABATEMENT

- A. All work shall be in accordance with federal lead-based paint regulations found in 24 CFR Part 35.

IV. ACCESSIBILITY

- A. All multifamily housing and substantial rehabilitation projects must meet the following federal accessibility requirements:
- i. 24 CFR Part 8, implementing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) –
 - ii. Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131 – 12189), implemented at 28 CFR Parts 35 and 36, as applicable.
 - iii. 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).

V. RELOCATION

- A. Projects involving acquisition must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601 et seq., as amended and Section 104(d) of the Act), and in accordance with 24 CFR Part 42, as amended. Rehabilitation-only projects should consult with HCD staff for applicable relocation requirements.

VI. DISASTER MITIGATION

- A. The National Environmental Policy Act (NEPA) and other Federal laws and authorities require that an environmental review be conducted by HCD for all Federally assisted actions (except those exempted under 24 CFR Part 58). Environmental reviews of projects serve as a planning tool used by Fairfax County to determine (1) whether its proposed actions will have an impact on the environment, or (2) whether the environment will have an impact on the proposed action.
 - i. Completion of the environmental review process is mandatory before taking a physical action on a site, or making a commitment or expenditure of HUD or non-HUD funds for property acquisition, rehabilitation, conversion, lease, repair or construction activities.
- B. Approved by the Fairfax County Board of Supervisors in April 2017, the Northern Virginia Hazard Mitigation Plan identifies hazards, establishes mitigation goals and objectives, and identifies projects that will help prepare for and reduce the impacts of natural disasters. Access the document here: www.fairfaxcounty.gov/emergencymanagement/emergency-plans

VII. BROADBAND INFRASTRUCTURE

- A. For substantial rehabilitation project of a building with 5 or more rental units, any substantial rehabilitation, as defined in 24 CFR 5.100, must provide for installation of broadband infrastructure, as this term is also defined in 24 CFR 5.100, except where HCD determines and, in accordance with § 92.508(a)(3)(iv), documents the determination that:
 - i. The location of the substantial rehabilitation makes installation infeasible;
 - ii. The cost of installing would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or
 - iii. The structure of the housing to be substantially rehabilitated makes installation infeasible.

VIII. PROPERTY STANDARDS

- A. Upon completion, the rehabilitated units must meet all applicable State and local code requirements and ordinances, and be decent, safe, sanitary, and in good repair, as described in 24 CFR 5.703 and 24 CFR 982.401, Housing Quality Standards (HQS).
- B. In the event that the property cannot be brought into compliance with applicable State and local code requirements and ordinances, the property shall be deemed not suitable for rehabilitation and shall not be acquired or rehabilitated.

C. The property site, building exterior, building systems, common areas, and unit(s) must be free of the following inspectable items and observable deficiencies, including the following life-threatening (or “health and safety”) deficiencies:

- i. Major plumbing leaks or flooding,
- ii. Waterlogged ceiling or floor in imminent danger of falling
- iii. Natural or liquid petroleum (LP) gas or fuel oil leaks
- iv. Any electrical problem or condition that could result in shock or fire
- v. Absence of a working heating system.
- vi. Conditions that present the imminent possibility of injury
- vii. Obstacles that prevent safe entrance or exit from the unit
- viii. Inoperable smoke detectors
- ix. Foundation failure
- x. Loose deck and stair railings
- xi. Evidence of mold growth
- xii. Findings of asbestos, lead-based paint or radon gas
- xiii. Infestation by rats, mice, or other vermin, and bed bugs

If a property is occupied at the time of rehabilitation, the recipient must ensure the occupants’ safety during construction. Any life-threatening deficiencies must be identified and addressed immediately.

D. For HOME-assisted housing, HUD will establish a list of critical deficiencies that must be corrected as a minimum requirement for each type of rehabilitation (rental, homebuyer, and homeowner housing). The HUD-prescribed physical inspection procedures will be based on the list of inspectable items and areas of the Uniform Physical Condition Standards (UPCS) pursuant to 24 CFR 5.705.

Note: The UPCS is an inspection protocol that is used to evaluate the condition of housing. In general, UPCS includes a more comprehensive list of inspectable items and areas than HQS. Once HUD issues additional guidance, it will be incorporated into HCD’s minimum property condition standards for CDBG- and HOME-assisted property in the absence of existing applicable State or local code requirements and ordinances.

E. Rental housing projects and their units must continue to meet all applicable State and local code requirements and ordinances, and be decent, safe, sanitary, and in good repair throughout the contracted affordability period. Properties will be monitored by HCD for their ongoing compliance with applicable property standards.

IX. LIFE EXPECTANCY OF MAJOR SYSTEMS

A. Prior to any investment of assistance for an acquisition and/or rehabilitation project, an estimate of the remaining useful life of each of the property’s major system upon project completion of each major systems must be established. Major systems include structural components, roofing, cladding, and weatherproofing (e.g., windows, doors, siding, gutters), plumbing, electrical and HVAC.

- B. If the remaining useful life is less than the affordability period, a replacement reserve must be established to ensure that the project's major systems and physical needs can be adequately maintained and addressed throughout the affordability period. Note: all contracted owners of CDBG- and HOME-assisted properties must open and maintain a "FCRHA Reserve Account" in order to reserve a portion of the project's net income for the reserve account for future capital needs. See the FCRHA Reserve Policy for additional information (attached).
- C. For rental housing projects with 26 or more units, estimates of the remaining useful life of major system must be provided with a Capital Needs Assessment (CNA). A CNA must be prepared by a qualified professional who will certify that the property's current physical condition, based on a physical inspection of the interior and exterior of the units and structures, are deemed to meet applicable standards. The physical inspection should include an interview with the onsite manager and maintenance personnel. This assessment should identify deferred maintenance, physical needs, remaining useful life, material building code violations that affect the property use, structural and mechanical integrity, and the future physical and financial needs. The assessment must include the cost of labor and materials identified in detail and the extent of future expenditures contemplated to ensure the costs will be addressed through operating and replacement reserves. Components which should be examined and analyzed in this assessment include but are not limited to:
- i. Site, including topography, drainage, pavement, curbing, sidewalks, parking, landscaping, amenities, water, sewer, storm drainage, gas and electric utility lines;
 - ii. Structural systems, both substructure and superstructure, including exterior walls and balconies, exterior doors and windows, roofing system and drainage;
 - iii. Interiors, including unit and common area finishes (carpeting, vinyl or tile flooring, plaster walls, paint condition, etc.), unit kitchen finishes, cabinets and appliances, unit bathroom finishes and fixtures, and common area lobbies and corridors; and
 - iv. Mechanical systems, including plumbing and domestic hot water, HVAC, electrical, lighting fixtures, fire protection, and elevators.
 - v. In all cases, if the remaining useful life of one or more major systems is less than the Period of Affordability, the Awardee must establish and maintain a replacement reserve and make adequate monthly payments thereto, such that there are sufficient funds to repair or replace systems as needed.
- D. Upon project completion of a homeownership housing project, whether it involves acquisition and/or rehabilitation, the project owner and/or developer must ensure that all major systems have a useful life of at least five years.