



DESIGN AND CONSTRUCTION STANDARDS FOR REHABILITATION

A. Purpose

The purpose of this document is to provide standards and policies for physical improvements to existing properties that receive financing from the New Hampshire Housing Finance Authority (NH Housing). These standards and policies are intended to ensure a basis for providing safe, sanitary, cost effective, energy efficient, and decent housing for all occupants and to protect NH Housing's security interest in the property without imposing an undue burden on property owners seeking financing.

B. Applicability

These standards will be applied to existing multifamily residential properties that are being refinanced through NH Housing or are being acquired with financing from NH Housing (to be referred to as "Rehab Properties"). Properties converting from a nonresidential use to a residential use are not considered Rehab Properties and instead are subject to NH Housing's Technical Design and Construction Standards.

C. Capital Needs Assessments (CNAs)

1. All Rehab Properties that are more than ten years old at the time of application are required to submit a Capital Needs Assessment (CNA) at the time of application. For NH Housing to accept a CNA, certain conditions must be met:
 - a. The CNA must be less than three years old at the time of application.
 - b. The CNA must include a 20-year forecast of capital improvements, with cost estimates for all recommended capital improvements in the first ten years.
 - c. The CNA must include an accessibility study along with a statement of compliance. It shall include all accessible units, all common areas, and all public areas.
2. NH Housing will review the CNA and inspect the property. NH Housing reserves the right to request changes to the CNA.
3. Funds shall be reserved according to the CNA.
 - a. Maintenance or replacement work shall not be inferior to or make a building less conforming than it was before the repair was undertaken.
 - b. Alterations, Change of Occupancy, and Additions shall be subject to all applicable codes as well as NH Housing's HFA 111 Design and Construction Policy Rules and Technical Design and Construction Standards. Alterations, as defined by the International Existing Building Code are considered, "any construction, or renovation to an existing structure other than a repair or addition."
 - c. CNAs shall be updated every ten years throughout the life of the loan.

D. Environmental

1. Rehab Properties constructed before 1978 must have an asbestos survey done by an independently licensed firm. All asbestos shall be abated in compliance with local, state, and EPA guidelines. Waste manifests and clearance test results shall be provided prior to completion of the project.
2. Ten percent of all units shall have drinking water tested for lead and copper. All lead tests may not exceed .015 milligrams per liter, and all copper tests may not exceed 1.3 milligrams per liter. Where the standard is not met, all units will be tested and retested until fully compliant.
3. Unless a building has a lead-free certificate, regardless of funding levels, all buildings constructed prior to 1978 must be tested for lead-based paint hazards via a full lead inspection (including the identification of paint and bare soil hazards) by a NH licensed lead paint inspector/risk assessor, otherwise all paint films will be assumed to contain lead. However, housing projects for the elderly, zero-bedroom buildings, or a residential property designated exclusively for persons with disabilities are exempt from this requirement; except these exemptions shall not apply if a child less than age 6 or a pregnant woman resides or is expected to reside in the dwelling unit. Qualifying for an exemption from this requirement must be approved by NH Housing. All identified or assumed lead paint/hazards must be mitigated during construction. All mitigation work will be performed by a contractor with the appropriate level of certification or license that is required by the applicable regulation for the project.

All projects, regardless of funding type or amount, must comply with the following including any updates in effect at the time that the work is being done:

- a. NH He-P 1600/RSA 130-A NH Lead Poisoning Prevention and Control Act;
and
- b. U.S. Environmental Protection Agency Lead Regulations 40 CFR 745.

Additionally, any projects financed with federal funds must comply with the following regulations, including any updates in effect at the time that the work is being done:

- a. HUD's 24 CFR 35 regulations (The Lead Safe Housing Rule); and
- b. HUD's Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2nd Edition, July 2012) (HUD's Guidelines).

Upon completion of construction, clearance testing for a Lead Safe Certificate, performed by a licensed risk assessor, must be conducted in conformance with NH He-P 1600/RSA 130-A NH Lead Poisoning Prevention and Control Act. However, projects deemed exempt under E.3 do not require clearance testing.

4. Rehab Properties undergoing \$70,000/unit or more in (hard) renovation costs will be required to test 20% of all ground floor units for safe levels of radon gas. If the results are less than 4.0 pCi/L (picocuries per liter of air), no further testing is required. Results above 4.0 pCi/L will require all units to be tested. Units testing above 4.0 pCi/L will be mitigated. Testing, design and installation will be conducted by a company holding certification from either the National Radon Proficiency Program or National Radon Safety Board.

E. Life Safety

1. Compliance with NFPA101, Life Safety Code, Chapter 31 – Existing Apartment Buildings (2015 edition) is required to the greatest extent possible.

F. Accessibility

Regardless of the funding source, the following shall apply to all Rehab Properties.

1. New Construction and Substantial Alterations, with five or more units, require full compliance with Section 504 of the Rehabilitation Act of 1973 using the Uniform Federal Accessibility Standards (UFAS) or the 2010 ADA Standards for Accessible Design. However, there are certain circumstances in which the 2010 ADA cannot be used. They are identified in the appendix to 24 CFR Part 8, Docket Number FR-5787-N-01 (see www.hud.gov/sites/documents/5784_N_01_NOTICE_5_15_14.pdf).
2. Full compliance means that 5% of the units and common spaces must be fully accessible, and an additional 2% of the units must be accessible for individuals with hearing and vision disabilities.
3. Substantial Alterations are considered projects with 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility (24 C.F.R. 8.23(a)). If a project has less than 15 units or the cost of Alterations is less than 75% of the replacement cost of the completed facility, then the requirements for Other Alterations apply (24 C.F.R. 8.23(b)). For this requirement, unless there is an undue financial or administrative burden, to the maximum extent feasible, dwelling units and common areas shall be made readily accessible to and usable by disabled individuals.
4. All buildings designed and constructed for first occupancy after March 13, 1991, with four or more units must meet the requirements of the Fair Housing Act.
5. Repairs and Maintenance shall not be subject to accessibility requirements. The repairs or maintenance shall not make a building less accessible.
6. When the requirements above conflict with the International Building Code or the International Existing Building Code the more stringent shall apply.

7. New Hampshire State Building Code Amendments shall apply when applicable.

G. Structural Repairs

1. Structural Repairs shall comply with the latest adopted addition of the International Existing Building Code.

H. Broadband Infrastructure

1. Rehab Properties with four or more rental units that are undergoing “substantial rehabilitation,” as defined in 24 CFR 5.100, must provide for installation of “broadband infrastructure.” This broadband-infrastructure requirement does not apply where the participating jurisdiction determines and documents, in accordance with 92.508(a)(3)(iv), that: (a) The location of the substantial rehabilitation makes installation of broadband infrastructure infeasible; (b) The cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or (c) The structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

I. Climate Resiliency

1. Extreme weather events such as flooding, ice storms, and heat waves represent an increasing risk to many multifamily properties. New Hampshire Housing will therefore work with project sponsors to prioritize improvements that make properties better able to provide livable space during and after disruptions associated with extreme weather. Improvements may include:

- a. Relocate or protect equipment that should not be exposed to water.
- b. Use moisture-resistant building materials below the design flood elevation (DFE).
- c. Seal all cracks and openings in exterior walls below the DFE.
- d. Install backflow prevention devices in floor drains, and permanently seal floor drains that are no longer in use.
- e. Obtain waterproof covers for vents and louvers located under the DFE and install them before an anticipated flood.
- f. Ensure that all equipment located on the roof and attached to the building is properly anchored.