

Chapter 2 - GENERAL ACCEPTABILITY CRITERIA

- 2-1 GENERAL. The requirements in this Handbook together with appropriate administrative rules and regulations constitute the minimum acceptable criteria for eligibility of existing properties.
- 2-2 REAL ESTATE ENTITY. The property must comprise a single readily marketable real estate entity.
- 2-3 PARTY OR LOT LINE WALL. A building constructed on or to a property line must be separated from the adjoining building, by a wall extending the full height of the building from the foundation to the ridge of the roof. The wall can separate row type townhouses or semi-detached units,

There must be Adequate space between buildings to permit maintenance of the exterior walls.

- 2-4 SERVICE AND FACILITIES.
- A. Trespass. Each living unit must be able to be used and maintained individually without trespass upon adjoining properties. Any easement required must run with the land.
- B. Utilities must be independent for each living unit except that common services, such as water, sewer, gas and electricity, may be provided for living units under a single mortgage or ownership. Separate utility service shut-offs for each unit shall be provided. For living units under separate ownership, common utility services may be provided from the main to the building line when protected by easement or covenant and maintenance agreement acceptable to HUD. Individual utilities serving a living unit shall not pass over, under, or through another living unit, unless provision is made for repair and maintenance of utilities without trespass on adjoining properties or legal provision is made for permanent right of access for maintenance and repair of utilities.
- C. Other Facilities must be independent for each living unit, except that common services, such as laundry and storage space or heating, may be provided for in two-to-four living unit buildings under a single mortgage.

2-5 REQUIRED PROVISIONS:

- A. Each living unit must contain the following:
- 1) A continuing supply of safe and potable water.
 - 2) Sanitary facilities and a safe method of sewage disposal.
 - 3) Heating adequate for healthful and comfortable living conditions. The Field Office may determine that climatic conditions are such that mechanical heating is not required.

Dwellings with wood burning stoves or solar systems used as a primary heat source must have permanently installed conventional heating systems that maintain at least 50 degrees fahrenheit in areas containing plumbing systems.

- 4) Domestic hot water.
 - 5) Electricity for lighting and for equipment used in the living unit.
- B. When individual water supply and sewage disposal systems apply, the following shall be required:
- 1) Water quality must meet the requirements of the health authority having jurisdiction. If the local authority does not have specific requirements, the maximum contaminant levels established by the Environmental Protection Agency (EPA) shall apply.

For location of wells for HUD-insured properties refer to 24 CFR 200.926d(f)(3) or HUD Handbook 4910.1, Appendix K.

If the authority is unable to perform the water quality analysis in a timely manner, a private, commercial testing laboratory or a licensed sanitary engineer acceptable to the authority may take and test water samples.

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- 2) Each living unit must be provided with a sewage

disposal system adequate to dispose of all domestic wastes in a manner which will not create a nuisance, or in any way endanger the public health.

Individual pit privies are permitted where such facilities are customary and are the only feasible means of waste disposal, provided they are installed in accordance with the recommendations of the local Department of Health or, in the absence of such recommendations, with the requirements of the U.S. Public Health publication, "Individual Sewage-Disposal Systems."

- 3) Connection must be made to a public or community water/sewage disposal system whenever feasible.

2-6 NONRESIDENTIAL USE.

A. Design Limitations.

- 1) Any nonresidential use of the property shall be subordinate to its residential use and character. A property, any portion of which is designed or used for nonresidential purposes, is eligible only if the type or extent of the nonresidential use does not impair the residential character of the property.
- 2) Areas designed or used for nonresidential purposes shall not exceed 25 percent of the total floor area. Storage areas or similar spaces which are integral parts of the nonresidential portion shall be included in the total nonresidential area.

2-7 ACCESS.

A. Streets.

- 1) Each property must be provided with a safe and adequate pedestrian or vehicular access from a public or private street.
- 2) All streets must have an all-weather surface.

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- 3) Private streets must be protected by permanent easements and maintained by a Homeowners

Association or joint maintenance agreement.

- B. Access to the living unit must be provided without passing through any other living unit.

Access to the rear yard must be provided without passing through any other living unit. For a row-type dwelling, the access may be by means of alley, easement, passage through the dwelling, or other acceptable means.

- 2-8 DEFECTIVE CONDITIONS. Defective construction, poor workmanship, evidence of continuing settlement, excessive dampness, leakage, decay, termites, or other conditions impairing the safety, sanitation or structural soundness of the dwelling shall render the property unacceptable until the defects or conditions have been remedied and the probability of further damage eliminated.
- 2-9 SPACE REQUIREMENTS. Each living unit must be provided with space necessary to assure suitable living, sleeping, cooking and dining accommodations and sanitary facilities.
- 2-10 MECHANICAL SYSTEMS must be safe to operate, be protected from destructive elements, have reasonable future utility, durability and economy, and have adequate capacity and quality.
- 2-11 VENTILATION. Natural ventilation of structural space such as attics and crawl spaces, must be provided to reduce the effect of conditions of excess heat and moisture which are conducive to decay and deterioration of the structure.
- 2-12 ROOF COVERING must prevent entrance of moisture and provide reasonable future utility, durability and economy of maintenance. When reroofing is needed for a defective roof, already consisting of three layers of shingles, all old shingles must be removed prior to re-roofing.
- 2-13 HAZARDS. The property must be free of hazards which may adversely affect the health and safety of the occupants or the structural soundness of the improvements, or which may impair the customary use and enjoyment of the property by the occupants. The hazards can be subsidence, flood, erosion, defective lead base paint (24 CFR Part 35) or the like.

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- 2-14 CRAWL SPACE. In order to insure against conditions which

could cause deterioration to the building and seriously affect the marketability of the property, it is required that:

- A. There must be adequate access to the crawl space.
- B. The floor joists must be sufficiently above the highest level of the ground to provide access for maintenance and repair of ductwork and plumbing.
- C. The crawl space must be clear of all debris and properly vented.
- D. Any excessive dampness or ponding of water in the crawl space must be corrected.

2-15 DRAINAGE. The site must be graded so as to provide positive, rapid drainage away from the perimeter walls of the dwelling and prevent ponding of water on the site.