

**MCHENRY COUNTY CDBG AND HOME PROGRAM REHABILITATION AND  
CONSTRUCTION STANDARDS**

**Minimum Property, Rehabilitation and Construction**

**Quality Standards for the CDBG and HOME Programs Introduction**

The McHenry County Rehabilitation and Construction (RCS) are adopted for each single or multi-family housing rehabilitation, public facility rehabilitation, new construction of housing, or infrastructure project. All funded entities or Subrecipients receiving funds under the CDBG or HOME Program shall adopt and agree to abide by these standards.

**Definitions**

***Developer***

individuals, for-profit entities, and nonprofits that construct affordable housing in accordance with the HOME program.

CHDO or Community Housing Development Organizations are private non-profit Developers that meet a series of qualifications prescribed in the HOME grant regulations. *For the purposes of this document, a CHDO will be considered a Developer.*

***Maintenance***

work that does not increase the value of the property, rather maintenance is routine scheduled work that is done periodically to ensure the condition of materials and value within the building and to ensure the life of the structure, mechanical condition or weatherization.

***Shall***

Means that the work related to this item must be done

***Should***

Means that, when economically feasible, work related to this item will be done

***Shall not***

Designates items of work prohibited from being done

***Subrecipient***

a public or private nonprofit agency receiving CDBG funds from a Grantee (McHenry County) to undertake activities eligible for such assistance under CDBG or HOME programs.

***Sub-standard Conditions***

Property in violation of state or local health and safety codes, as determined by city or county regulatory agencies.

# GENERAL STANDARDS

## 1. CODE COMPLIANCE

All work **shall** be done in compliance with the *Local Building Code*.

All work **shall** be completed in compliance with all applicable codes in force. Permits **shall** be obtained as required by the jurisdiction and permitted work **shall** be inspected and approved by McHenry County or its designee. Documentation of permits, inspections and approvals **shall** be submitted to the County and maintained in the property case file for the project.

## 2. ENFORCEMENT

Any Subrecipient or Developer funded under the CDBG or HOME Program is contractually obligated to comply with the provisions of the RCS and failure to comply **shall** be considered a violation of the written agreement, loan agreement or contract and may result in termination of funding.

### Referenced Codes, Standards and Guidelines

These standards shall apply in conjunction with other documents which are hereby adopted as a part of the RCS. These include:

- 1) All Local applicable building codes
- 2) The international Existing building Code (IEBC)
- 3) The International Energy Conservation Code (IECC)
- 4) The International Property Maintenance Code (IPMC)
- 5) Residential Construction Performance Guidelines for Professional Builders and Remodelers (NAHB third addition or newer)
- 6) Residential and Light Commercial Construction Standards (RS MEANS third addition or newer)
- 7) Regulation on Lead-Based Paint Hazards in Federally-Owned Housing and Housing Receiving Federal Assistance (24 CFR part 35)(*The Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852d.*)
- 8) The EPA Renovation, Repair and Painting Program Final Rule (RRP)
- 9) HUD Maintenance Guidebook #7-Termite, Insect and Rodent Control
- 10) The Public Health Ordinance for McHenry County-Article X
- 11) Davis Bacon Prevailing Wage Act (to CDBG and HOME)
- 12) Uniform Relocation Act
- 13) Manufacturers' Standards and Installation Instructions
- 14) Standards for Rehabilitation and Guidelines for Rehabilitating Historic
- 15) HUD's Uniform Physical Condition Standard REAC Inspection Field Guide
- 16) Buildings Residential Remodeling and Universal Design: Making Homes More Comfortable and Accessible

- 17) Uniform Federal Accessibility Standards (UFAS)
- 18) American Institute of Architects Affordable Green Guidelines
- 19) Other standards as referenced in the text of the RCS

### 3. MINIMUM PROPERTY STANDARD

All rehabilitated properties **shall** comply with the minimum requirements of *McHenry County's International Property Maintenance Code (IPMC)*, Chapters 2 through 8. Provisions of the RCS shall supersede the Property Maintenance Code where more stringent, or protective, or in disallowance of work as ineligible. At no time shall a standard, specification or code be permitted that is less stringent than the minimum property standard hereby adopted. Work completed during the course of rehabilitation **shall** have a life expectancy of **five** or more years.

### 4. MAINTENANCE

When determining eligibility for HOME and CDBG grant assistance, documentation of routine maintenance must be submitted to evidence diligence in maintaining the life of the structural and mechanical components (ie: life expectancy of the materials).

### 5. CONDITIONS, WORK AND QUALITY

#### A. Substandard Conditions

Each item of work conducted under the CDBG and HOME Program **shall** contribute to one or more of the following priorities, and items that do not contribute to one or more of the following priorities **shall not** be done. Conditions, the addressing of which contribute to achieving the following, **shall** be or **should** be considered to be substandard conditions, depending upon their seriousness and status of compliance with the applicable codes, standards and guidelines.

#### PRIORITIES

1. Meet all applicable code requirements for existing residential structures and public facilities for the rehabilitation work conducted upon them
2. Control or eliminate lead hazards
3. Protect health and safety of occupants and make the unit compliant with Housing Quality Standards (HQS) as defined by HUD
4. Enhance energy efficiency
5. Improve accessibility
6. Protect and extend the life expectancy of the dwelling

#### B. Material Quality

New material of appropriate quality, meeting the minimum requirements of referenced codes, standards and guidelines or codes enforced in the jurisdiction, and meeting the specifications of the nationally recognized authority for the type of material, **shall** be used. The funded entity **should** specify the appropriate material in the work write-up and specifications. Used material **shall not** be installed unless specified in the work write-up and approved by the property owner and funded jurisdiction prior to installation.

Materials **shall** comply with the work write-up and specifications. The *Manufacturer's Standards and Installation Instructions* for all material and equipment installed **shall** be followed. The rehab specialist, subgrantee or Developer **should** reference such requirements and instructions in the work write-up and specifications.

### C. Work Quality Performance

Minimum levels of workmanship for the products and installations delivered **shall** comply with "*Residential Construction Performance Guidelines for Professional Builders and Remodelers*," Third or later edition.

## 6. HISTORIC PRESERVATION

The rehabilitation of dwellings subject to the Section 106 review process of 36 CFR Part 800 and located within a residential historical district, or listed on the National Register of historic places, or locally landmarked, shall comply with the findings and recommendations of the Illinois State Historic Preservation Organization. Rehabilitation work **shall** be guided by the U.S. Department of the Interior's, "*Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*."

## 7. FLOOD PLAIN MANAGEMENT

The rehabilitation of dwellings located in a flood plain **shall** comply with applicable federal, state and local regulations and laws. The rehabilitation of dwellings located in a flood plain in jurisdictions participating in the Flood Protection Management System **shall** comply with the applicable Federal Emergency Management Agency regulations and the "*Design Manual for Retrofitting Flood-Prone Residential Structures*", or design standards determined by the local certified community.

## 8. LEAD-BASED PAINT HAZARD ELIMINATION

All properties subject to Title X and 24 CFR Part 35, HUD's "*Regulation on Lead-Based Paint Hazards in Federally Owned Housing and Housing Receiving Federal Assistance*", **shall** be rehabilitated in accordance with that regulation and the Illinois Lead Poisoning Prevention Code, 410 ILCS Part 845. All work on properties subject to the EPA *Renovation, Repair and Painting Final Rule*, 40 CFR 745, **shall** be rehabilitated in compliance with that rule.

### A. Risk Assessment

For all properties subject to the lead regulations, in accordance with 24 CFR Part 35, a risk assessment and lead-based paint inspection by an independent third party **shall** be conducted, which **shall** identify lead-based paint and hazards on the entire site including, but not limited to, accessory structures and play areas. Any risk assessment shall be performed by an Illinois State Certified Risk Assessor in accordance with the requirements and guidelines found in Chapter 5 of the HUD Handbook – "*Guidelines for the Evaluation and Reduction of Lead-Based Paint Hazards in Residential Housing*".

County must receive a copy of the risk assessment findings and compliance documentation, including all testing post-abatement.

#### **B. Work Practices and Occupant Protection**

A Work Practice and Occupant Protection Plan **shall** be produced for each property in accordance with 77 IAC 845.255. When occupants are present in a property, occupants **shall** be temporarily, voluntarily relocated as required in the HUD regulation. With some exceptions, the occupants **shall** be temporarily relocated before and during lead hazard reduction activities to a suitable, decent, safe and similarly accessible dwelling that does not have lead hazards. Occupants **shall** be allowed to remain in place only if they will be protected during their continued occupancy in accordance with the Work Practice and Occupant Protection Plan, which **shall** include a project time schedule and floor plans describing required containment areas, and which **shall** be submitted by the contractor and **shall** be approved by the Risk Assessor and the Rehabilitation Specialist, and acknowledged by the property owner and occupants before any work begins.

#### **C. Security**

When occupants are relocated, measures appropriate to maintaining the security of the property **shall** be incorporated into the project.

#### **D. Clearance**

Prior to re-occupancy, clearance examinations **shall** be performed by an Environmental/Civil Engineer and final clearance **shall** be achieved as required by the HUD and Illinois regulations. (77 IAC 845.295)

### **9. ACCESSIBILITY AND UNIVERSAL DESIGN**

#### **A. Accommodation of Client's Needs**

Modifications to accommodate the needs of clients with respect to accessibility and safety **shall** be made to the extent feasible as limited by the configuration and construction of the property

#### **B. Modifications**

All architectural elements newly built, modified, replaced or installed in the course of rehabilitation **should**, to the extent feasible, be in conformance with the precepts of Universal Design, as described in the HUD publication, *Residential Remodeling and Universal Design: Making Homes More Comfortable and Accessible*. Modifications made to improve accessibility **should** meet or exceed the requirements set forth in the *Uniform Federal Accessibility Standards* or ANSI 117.1 and the *Illinois Americans with Disability Acts* (ADA) code.

### **10. PEST MANAGEMENT**

All required extermination of pests and vermin **should** be carried out by a pest management professional using the precepts of integrated pest management as outlined in the publications, “*Guidance in Integrated Pest Management*” from the U.S. Department of Housing and Urban Development and the HUD “*Maintenance Guidebook #7 – Termite, Insect and Rodent Control.*” Extermination activities **shall** minimize the use of poisons and pollutant substances within the living environment.

## 11. FIRE PROTECTION AND SMOKE ALARMS

All fire protection systems and devices **shall** be maintained in operable condition.

Smoke alarms **shall** be installed in accordance with the International Residential Code, Section R313 Smoke Alarms. Smoke alarms **shall** receive primary power from the building wiring and **shall** have battery backup. Multiple smoke alarms **shall** be interconnected, such that activation of any one alarm will activate all others. Smoke alarms **shall**, at a minimum, be installed in the following locations:

- On each story including basement and cellar
  - Alarms are not required in unfinished attics and crawlspaces
- Outside of each bedroom
- In each bedroom

Exceptions: Battery operated smoke alarms may be installed, and existing smoke alarms are not required to be interconnected, in existing areas of buildings where repairs do not disturb interior finishes, unless wires may be run through an attic or other space without disturbing interior surfaces.

When a dwelling is occupied by any hearing impaired person, smoke alarms **shall** have an alarm system designed for hearing impaired persons in accordance with NFPA 72 (or Successor Standards)

For public facilities, follow the International Building Code, Chapter 9, Fire Protection Systems and the International Fire Code along with the local Fire District’s rules and recommendations.

## 12. ENERGY CONSERVATION

Each assisted dwelling unit **shall** be made more energy efficient.

- Energy evaluation **shall** be conducted either by a local program representative, using the Applicable Project Recommendations and the Home Energy Saver calculation of the HUD Energy Efficient Rehab Advisor available at [www.rehabadvisor.pathnet.org](http://www.rehabadvisor.pathnet.org), or by a qualified Energy Evaluator using an equivalent or more detailed analytic system. A copy of the calculations and requirements **shall** be submitted to the County.
- Energy conservation measures evaluated to have a payback period of 10 years or less **shall** be accomplished to the maximum extent feasible and as limited by

the existing construction in accordance with the International Energy Conservation Code.

- Equipment, windows, and doors replaced during rehabilitation **shall** be replaced with Energy Star qualified products.
- All heating and cooling systems **shall** undergo system-specific maintenance evaluation and all fuel burning heating systems **shall** undergo system-specific maintenance and combustion efficiency analysis. Copies of the evaluation and analysis **shall** be submitted to the County and posted on equipment.
- Heating and cooling equipment over 10 years old, or which cannot be repaired to a condition having a life expectancy of 5 years, **shall** be replaced. Replacement heating and/or cooling systems **shall** be properly sized as evidenced by completion of ACCA/ANSI Manual J® or an equivalent sizing calculation tool. Replacement gas-fired forced air furnaces **shall** be 95% or more efficient and **shall** be of two-pipe design drawing combustion air from the exterior.
- Cooling systems **shall** only be replaced as a medical requirement. Cooling systems **shall** be a minimum of 16 SEER.
- All air ducts **shall** be tightly sealed where accessible.
- Heating or cooling supply runs through unconditioned space **shall** be avoided and, when present, **should** be rerouted. When runs through unconditioned space are present, in a condition where they must remain in unconditioned space, they **shall** be insulated.
- Installed lighting fixtures **shall** be of the compact fluorescent or similarly energy efficient type. Bulbs replaced in existing fixtures **should** be of the compact fluorescent type.

### 13. WATER CONSERVATION

All plumbing fixtures, faucets and accessories replaced in the course of rehabilitation **shall** bear the EPA WaterSense® label. Where faucet, spray devices, shower heads and similar fittings remain in place, they **shall** be retrofitted with a WaterSense® labeled aerator, laminar flow device or spray device. These requirements are subject to the availability of appropriate products as listed at:

[http://www.epa.gov/watersense/product\\_search.html](http://www.epa.gov/watersense/product_search.html)

### 14. INDOOR ENVIRONMENTAL QUALITY

The scope and conduct of rehabilitation of each dwelling unit **shall** take into consideration the improvement and maintenance of satisfactory and healthy air quality within the unit.

- Carbon monoxide detectors installed as per the manufacturers' recommendations **shall** be present in each unit, and **shall** receive primary power from the building wiring. When installed in combination with interconnected smoke alarms, the CO detector(s) **shall** be hardwired and interconnected with the smoke alarms. CO detectors **should** be installed on each floor of the dwelling, and in each bedroom.
- In any planned work area where it is suspected that friable asbestos may exist or be disturbed, rehabilitation work **shall not** be conducted until a determination is made by properly licensed firms, and trained or accredited persons. Such work **shall** be conducted in a manner which complies with applicable asbestos laws and regulations. Remediation **shall** be accomplished as required by the assessment.
- Each assisted dwelling unit **shall** be tested for radon. Testing **shall** be done by a licensed radon measurement professional. If the test result exceeds the recommended action level, currently 4pCi/L, remediation by a licensed radon mitigation specialist **shall** be performed to meet or exceed the requirements of the International Residential Code, Appendix F. A copy of the test results **shall** be submitted to the County.
- Water infiltration and dampness **shall** be eliminated. Elements of the building envelope and site drainage **shall** shed water and shall provide drainage to a suitable location. Sources of excess moisture and condensation within the building envelope **shall** be mitigated.
- Mechanical ventilation to remove excess moisture and indoor pollutants from the living spaces **shall** be installed, if required.

## 15. STREET PRESENCE OF THE PROPERTY (HOME ONLY)

Existing landscaping elements **shall** undergo trimming, pruning, refurbishing, removal or replacement to a condition that makes them asset features of the property providing a positive street presence.

## 16. SUSTAINABLE BUILDING

The rehabilitation of existing homes, public facilities **should** employ alternative approaches that use sustainable building materials, methods, technology and/or design when replacing building elements, systems or equipment, when making additions, or when improving the site. To the extent practical, each rehabilitation project **shall** be designed and executed in conformance with the *American Institute of Architects Affordable Green Guidelines*. Installed wood products **should** be Forest Stewardship Council Certified and bear the FSC label.



Rehabilitation of a single-family property which is substantial **shall** be designed to meet the standard for Energy Star-qualified new homes. All procedures used for this rating **shall** comply with National Home Energy Rating System Guidelines.

## **17. PROGRAM REQUIREMENTS**

### **Prior to Rehabilitation:**

- Prior to commitment of rehabilitation funding and before any construction contracts are signed, properties must undergo an **environmental review** that results in a determination that the property is in compliance with National Environmental Protection Act (NEPA).
- On a case-by-case basis, relocation expenses due to lead based paint reduction activity may be allowed.
- Contractors will be selected by Sealed Bid Procurement.
- All rehabilitation work must be completed by building contractors. Contractors cannot be on the federal or local debarred list found at [www.sam.gov](http://www.sam.gov) and with McHenry County Purchasing Department at [www.co.mchenry.il.us](http://www.co.mchenry.il.us)
- At least three bids from building contractors must be solicited based on the written Work Write Up. In general, the lowest, reasonable bid should be selected. If it isn't, a written justification must be provided and approved by the County
- A written construction contract must be executed between the contractor and the Borrower.
- Changes in the written work write up must be submitted to the County using a Change Work Order (CWO) executed between the Contractor and the Borrower. No work is to be undertaken until the CWO is approved and signed by the County.
- The contractor will be required to submit notification as to all who may be in a position to file liens as a result of the work including suppliers.
- Waivers must be collected from all Contractors for work completed prior to payout.

### **After Rehabilitation:**

- Meet the CDBG and HOME program rehabilitation and construction standards.
- Be in compliance with all applicable state, county and municipal health, housing, building, fire prevention, and housing maintenance codes, or other public standards.
- Meet the lead based paint requirements outlined in 24 CFR Part 35.

## **SPECIFIC STANDARDS BY PROJECT TYPE**

### **1. REHABILITATION**

The RCS shall be applied to existing residential units and public facilities being rehabilitated under the HOME and/or CDBG grant program(s) to:

Identify and correct substandard conditions for repair or replacement with improvements of a non-luxury nature. Improvements will incorporate adaptations, installations and retrofits that enhance energy efficiency, water conservation, and accessibility whenever possible.

Each rehabilitation improvement must be a permanent general improvement made in compliance with all applicable state, county and municipal health, housing, building, fire prevention, and housing maintenance codes, or other public standards.

The rehabilitation program must first remove code ("Code") violations\* in an eligible project.

*\*Code Violations are considered to be any structural deficiencies that fail to meet adopted building codes of McHenry County, The local municipal jurisdiction and/or the County's CDBG and HOME Program Rehabilitation and Construction Standards*

The rehabilitation program will then remove incipient Code violations\*\* in an eligible project.

*\*\* Incipient Code violations are any structural components that appear to be near failure or might soon become a Code violation. The County shall make this determination*

### **Suitability for Rehabilitation**

Substandard dwellings that cannot be brought into compliance with RCS and applicable code requirements **shall** be deemed not suitable for rehabilitation and **shall not** be rehabilitated.

For CDBG:

If the cost of rehabilitation exceeds **60%** of the property tax assessed value of the property, the property **shall not** be a candidate for reconstruction.

For HOME:

If the cost of the rehabilitation exceeds 95% of Fair Market Value of the property, the property shall not be a candidate for reconstruction.

### **Eligible Improvements:**

- Structural improvements including foundations, load bearing walls, etc.
- Roofing, gutters, siding
- Electrical
- Plumbing
- Window repair or replacement

- Lead based paint hazard reduction and abatement
- Insulation
- Heating
- Interior improvements including kitchens, bathrooms, only to address code violations
- Security including doors or locks
- Septic/Sewer
- Well / City Water
- A/C ONLY with a medical condition and physician recommendation
- ADA Accessibility improvements, improvements for persons with vision or other disabilities

**Ineligible Improvements:**

- Maintenance work;
- Minor appliance repair;
- Construction and reconstruction of detached garages, shed and fences or patios;
- “Luxury” improvements such as swimming pools, outdoor hot tubs, etc;
- Improvements that are not a permanent part of the real property such as appliances;
- Finishing items such as: flooring, cabinets, painting, trim work, cosmetic interior and cosmetic exterior improvements; and
- Interior upgrades that are desired, but not required to meet code

**2. PUBLIC FACILITIES**

In general, public facilities and public improvements are interpreted to include all facilities and improvements that are publicly owned or that are owned by a non-profit and open to the general public.

Eligible types of facilities are neighborhood facilities including but not limited to:

Public schools, libraries, recreational facilities, parks, playgrounds; and

Facilities for persons with special needs such as: homeless or domestic violence shelters, nursing homes or group homes for the disabled.

Ineligible activities are:

Maintenance- defined as that which does not increase the value of the property, rather maintenance is routine scheduled work that is done periodically to ensure the condition of materials and value within the building and to ensure the life of the structure, mechanical condition or weatherization.

When determining eligibility for grant assistance, documentation of routine maintenance must be submitted to evidence diligence in maintaining the life of the structural and mechanical components of a facility (ie: life expectancy of the materials).

The RCS shall be applied to existing Public Facilities being rehabilitated:

Identify and correct substandard conditions for repair or replacement with improvements of a non-luxury nature. Improvements will incorporate adaptations, installations and retrofits that enhance energy efficiency, water conservation, and accessibility whenever possible

### **Suitability for Rehabilitation**

Substandard buildings that cannot be brought into compliance with RCS and applicable code requirements **shall** be deemed not suitable for rehabilitation and **shall not** be rehabilitated.

### **3. INFRASTRUCTURE IMPROVEMENTS (CONSTRUCTION OR INSTALLATION)**

Including but not limited to:

Streets  
Curb and gutter  
Water  
Sewer lines

Ineligible types of infrastructure improvements are:

Filling potholes and repairing sidewalk cracks  
Mowing Grass  
Replacing street light bulbs

### **4. NEW CONSTRUCTION**

Must meet all applicable codes currently adopted by the local municipality.

### **5. DEMOLITION**

Any demolition of existing structure or partial demolition of structure associated with remodeling or additions must follow New Construction guidelines along with all General Standards listed above.

I certify understanding with the above Rehabilitation and Construction Standards requirements:

By: \_\_\_\_\_

Organization: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

The Division Staff should be contacted as follows:

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