



USDA RD MO
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UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT

MFH Building & Accessibility Regulations Up-Date

New construction and repairs to existing USDA RD financed MFH properties are required to meet the International Building Code (IBC) 2000 building code. Recently there have been fires at RD financed MFH properties that resulted in serious injuries or fatalities that may have been prevented had the property installed smoke detectors and egress windows meeting current requirements. We are encouraging owners to be proactive to avoid any possible harm to their residents as a result of an unforeseen fire. You as an owner may be held liable if appropriate actions have not been taken. Existing MFH properties should be especially aware of recent changes in requirements for the following items. We would consider expenses associated with completing the following items as an allowable use of project reserve funds on a case-by-case basis.

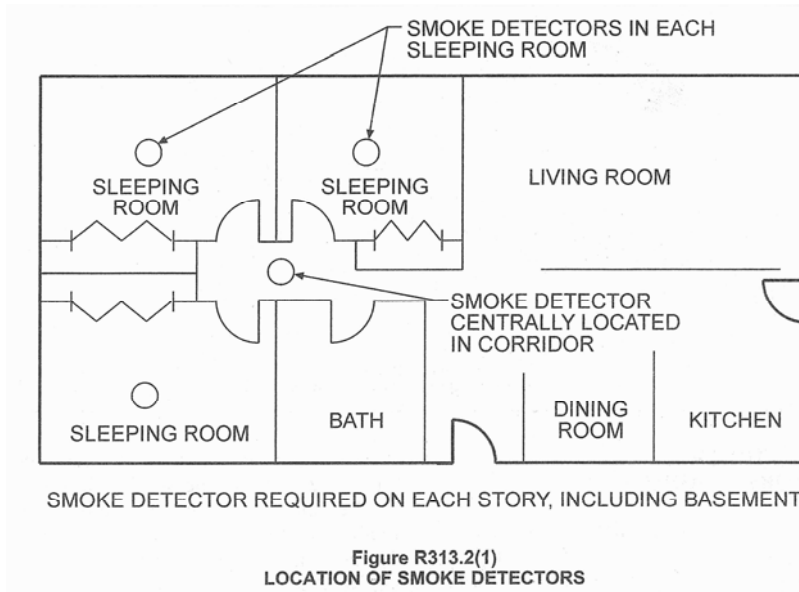
- A. Smoke Detectors (IBC 2000, 907.2.10):** All RD financed MFH properties built after January 1, 2000 or any dwelling unit that has had an addition, alteration or repair work that requires a permit or RD review after **January 1, 2000**, regardless of original date of construction of the building, are required to meet International Building Code (IBC) 2000 requirements for smoke detector installation. You should check with your local building department or fire department to confirm any additional local requirements for smoke detectors.

“Alteration or repair work” is a bit of a grey area. We recognize that many of our rural communities do not have local building codes nor do they issue building permits. However, if the alteration or repair to the dwelling unit requires a local building permit or review of construction documents by RD, the following rule applies. That being said, we strongly encourage all RD financed properties to comply with the building code as outlined below:

Smoke detectors are to be provided at each of the following locations:

1. In each room used for sleeping purposes.
2. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of the bedroom(s) (**See the diagram below**). “Sleeping area” means the area of the house where bedrooms are located. This means that one smoke detector is required in the hallway leading to the bedroom(s). If there are bedrooms on different floors or in separate areas of the unit (eg: conversions), then a smoke detector is required in each hallway leading to a “sleeping area”. In 1-bedroom units where the kitchen opens directly onto the hallway and is located across from the

bedroom, smoke detectors may be located along the path between the bedroom and the front door.

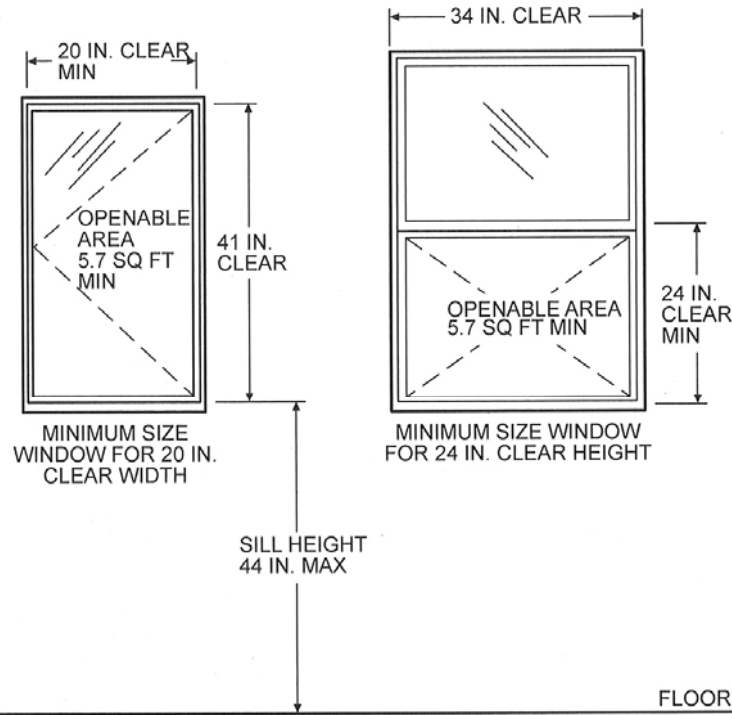


3. In each story within a dwelling unit, including basements and cellars. In dwelling units with split levels and without an intervening door between adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than one full story below the upper level.

Smoke alarms for new construction are required to be AC/DC and interconnected within each dwelling unit. Smoke alarms in buildings built prior to January 1, 2000, only require one smoke detector to be centrally located in the unit. These buildings (built prior to 1/1/2000) will allow for the smoke alarms to be battery operated when building wiring is not exposed during the repair/alteration or accessible via an attic or crawl space. Smoke alarms that are solely battery operated are not required to be interconnected.

- B. Egress Windows (IBC 2000, 1009):** Any building constructed or undergoing substantial rehabilitation after **January 1, 2000** is required to provide egress windows as described in IBC 2000. During selective rehabilitation when windows are being replaced in every dwelling unit in any one building, RD highly recommends that the replacement windows meet IBC 2000 egress requirements.

The IBC 2000 requires that each bedroom be provided with an egress window with a minimum net clear opening of 5.7 square feet, a minimum width of 20" and a minimum height of 24". Windows within 44" of the exterior grade may provide 5.0 square feet net clear area. The bottom of the clear opening (ie: top of sill or fixed frame) of any egress window must be 44" maximum above adjacent floor level. This means that windows that do not fully open (eg: awning windows not opening a full 90 degrees) may not allow adequate egress from a unit. **Below is a diagram of the window clearance needed for emergency egress.**



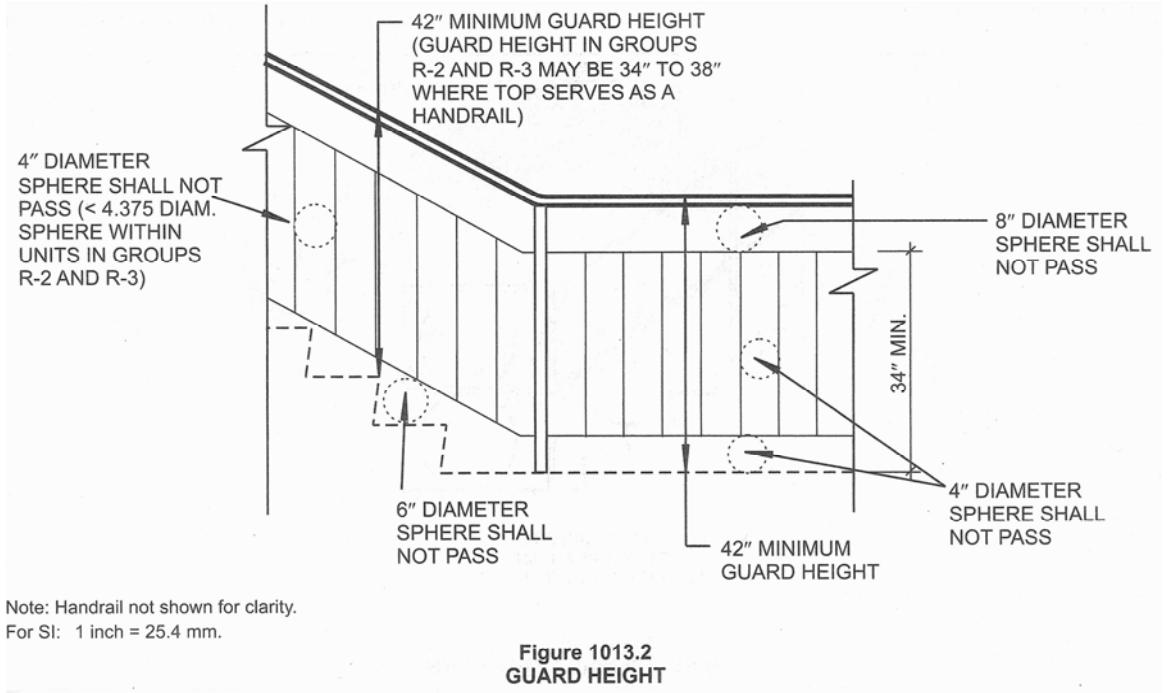
For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 m².

Figure R310.1
EMERGENCY ESCAPE AND RESCUE WINDOW

- C. Guard Rails (IBC 2000, 1003.3.12):** All walkways, balconies, decks, porches or landings that are *more than 30 inches above the floor or grade below* are required to have a guardrail. If the guardrail was/is built, repaired or replaced after **January 1, 1997**, the guardrail must meet the following requirements. RD financed properties are encouraged have all guard rails meet the following requirements. **See diagram below.**

Guardrail requirements as of **January 1, 1997**:

- 1. Locations:** any *walkway, balcony, deck, porch, landing or stairway* that is located more than 30 inches above the floor or grade below.
- 2. Height:** All common area guardrails shall form a protective barrier not less than 42 inches above the leading edge of the tread or adjacent walking surface. (Note: guard rails *within* dwelling units shall be between 34" and 38").
- 3. Opening limitation:** guardrails with balusters or ornamental railings shall not have openings that allow the passage of a 4" sphere below 34" and an 8" sphere between 34" and 42" above the adjacent walking surface. At stairways, the triangular opening formed by the riser, tread and bottom rail shall not allow the passage of a 6" sphere.



Note: apartments are defined as Group R-2 buildings, the exceptions noted in Figure 1013.2 apply to guard and handrails within individual dwelling units in Group R-2 buildings only.

- D. Stair Risers (IBC 2000, 1003.3.3.3.2):** All RD financed MFH properties built after **January 1, 2000** or any stair that has been *altered, repaired or replaced* since **January 1, 2000**, regardless of original date of construction, is required to meet the following regulation. All RD financed properties are encouraged to have all stairs meet the following requirement.

Stair risers (the vertical portion of each step in a stair) *are required to be solid in all stairs* except for stairs meeting *one* of the following:

1. Stairways serving or contained within a single dwelling unit
2. A stairway serving an occupant load of less than 10
NOTE: occupancy should be based on the maximum *potential* number of occupants allowed in each unit, not the actual number of occupants at any one time. EG: if 2 people is the maximum number of occupants allowed in a 1-bedroom unit, then a staircase serving 4 1-bedroom units would be considered to serve 8 people. If three people are allowed in a 1-bedroom unit, then the same staircase would be considered to serve 12 people.
3. Stairways in buildings equipped throughout with an automatic sprinkler system

If provided with an "open riser", the opening of the riser may not exceed 4" in one direction. See diagram below.

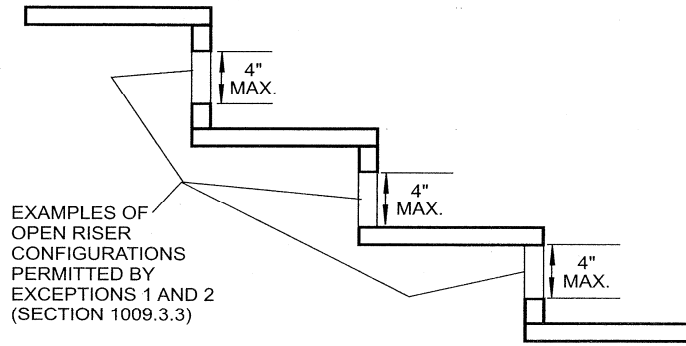
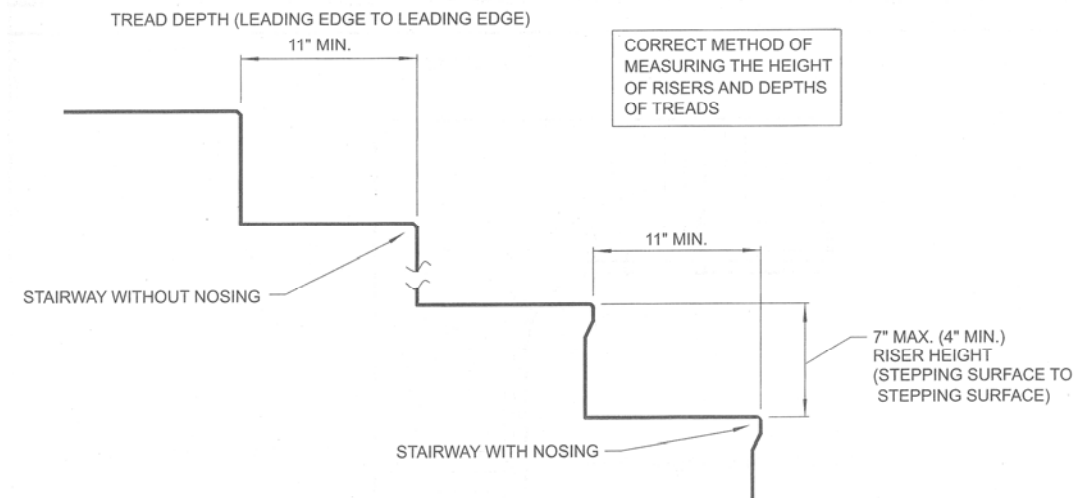


Figure 1009.3.3(2)
TREAD/RISER PROFILE

E. Stairs: Rise & Run (IBC 2000, 1003.3.3): All RD financed MFH properties built after **January 1, 2000** or any *common area* stair (ie: stair *not* located *within* a dwelling unit) that has been altered, repaired or replaced since **January 1, 2000**, regardless of original date of construction, is required to meet the following regulation *if the existing building's structure and layout allows changes to the stair rise and run to be made*. If the building's existing structure or layout does not allow the location or size (length) of the stair to be modified, then the stairway is not required to comply with the new dimensional requirements.

Common area stairs are to have a minimum tread depth of 11", a maximum riser height of 7" and a minimum riser height of 4". **See diagram below.**



For St: 1 inch = 25.4 mm.

Figure 1009.3(1)
TREAD/RISER DIMENSIONS

NOTE: for new or replaced stairs within a dwelling unit – the maximum riser height is 7-3/4" and the minimum tread is 11" or 10" with a .75"-1.25" nosing - if building structure and layout allow changes to rise and run to be made.

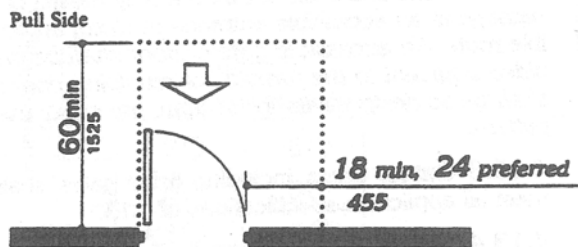
F. Ramps (IBC 2000, 1003.3.4): All RD financed MFH properties built after **January 1, 2000** or any ramp (permanent or impermanent, at accessible or non-accessible routes and entrances) that has been *built, altered or repaired* after **January 1, 2000**, is required to meet the following regulation. Please note that the vast majority of the ramps seen during RD's site inspections do not meet the IBC 2000 or accessibility requirements. Because of the wide range of potential ramp locations, we are not able to provide a drawing for every possible ramp layout. Therefore, we highly recommend that you consult with a professional familiar with accessibility requirements prior to installing any ramp. You may also consult with the RD Architect if you have any questions regarding ramp requirements.

Ramp Requirements:

1. Any walkway sloped more than 1:20 (5%) shall be considered a ramp.
2. Ramps used as part of a means of egress (eg: dwelling unit entrances) or at an accessible route or entrance, shall not be sloped more than 1:12 (8.33%). All other non-accessible ramps (eg: ramped walk at secondary and non-accessible entrance) shall not be sloped more than 1:8 (12.5%).

NOTE: In existing buildings where it isn't possible to achieve a 1:12 (5%) slope at an accessible route/entrance or along an egress route, ramps with a rise not higher than 3" may have a slope of 1:8 (12.5%) and ramps with a rise of 3"-6" may be 1:10 (10%).

3. The minimum width of a ramp is 36".
4. Landings are required at the top and bottom of *all* ramps, at any turn in the ramp and at doors. Landings shall not have a slope greater than 2% (1:48 or ¼" in 12"). The landing shall be as wide as the ramp. The landing depth shall be 60" minimum for all ramps at all common areas and accessible entrances and routes and 36" minimum at all non-accessible individual dwelling units.
5. Accessible entrances require 18" of clear landing area to the side of the door on the pull side of a door.



Note: minimum landing depth is 36", instead of 60", at all *non-accessible* individual dwelling unit entrance ramps

6. Ramps with a rise of more than 6 inches and not located at a curb cut must have handrails on both sides. Handrails may be between 34" and 38" high at non-accessible routes/entrances and must be 34" high at accessible routes/entrances.
7. Edge protection is required on all ramps requiring handrails and ramp landings with drop-offs of more than ½". Edge protection may be provided by installing a railing within 4" of the ramp surface or providing a 4" minimum high curb along the edge of the ramp.
8. The ramp surface shall be of slip-resistant materials that are securely attached. Outdoor ramps shall be designed to minimize the accumulation of water, snow and ice.

G. Transition Plans and Self Evaluations: Over the past several years, borrowers have conducted Self Evaluations in accordance to USDA RD HB-2-3560, Appendix 5 “Civil Rights Laws’ Accessibility Requirements”. If the Self Evaluation identified any items as being non-compliant with accessibility requirements, a Transition Plan was developed which listed the items needing to be completed or corrected, an estimated cost for the work to be done and a date for completing the item within a three (3) year period.

In several cases, we are finding that the items on the Transition Plan are not being completed and that due dates for certain items are being extended. Section 504 (UFAS) requires that any item shown on a Transition Plan be completed as planned when financially and structurally feasible. This means that if there are project funds, non-compliant items **must** be corrected. There have been instances where borrowers have budgeted for Transition Plan items in their annual budget and have not completed the work by the end of the fiscal year. We will no longer allow for due dates for these items to be postponed when project funds are available.

In light of the circumstances described above, the following actions are now being required:

1. Existing Transition Plans over Three Years Old: If any items on an existing Transition Plan are over three (3) years old and have not yet been completed or corrected, a new Self-Evaluation must be completed at this time. This Self Evaluation must be completed per HB-2-3560, Appendix 5 “Civil Rights Laws’ Accessibility Requirements”. This means that a qualified third party must assist in completing this Self Evaluation. If any items are identified during the Self Evaluation as being non-compliant with current accessibility requirements, a new Transition Plan must be developed. If any items identified on the “original” Transition Plan have not yet been completed, the owner must complete these items in Year One of the “new” Transition Plan if funding is available as described in Item 2.
2. Existing Transition Plans in their first Three Years: If an existing Transition Plan is still in its initial 3-year period, HB-2-3560, Appendix 5 “Civil Rights Laws’ Accessibility Requirements” requires that any non-compliant items be corrected by the scheduled due date if funding is available. This means that if the work identified will cost \$10,000 and you have \$10,001 in the reserve account, it must be done because the property has the funds to do it. If a complaint was filed in regards to this, the borrower would lose because they have sufficient funds to complete the work.
3. Newly Identified Non-Compliant Items: Accessibility regulations are continually being revised. If any items are identified during any review/inspection as not being in compliance with the current accessibility requirements, the borrower will be required to have a new Self Evaluation completed at that time. If the new Self Evaluation identifies any *new* non-compliant items, a *new* Transition Plan must be created. If a Transition Plan is currently in place, any Items on the “existing” Transition Plan must be included on the new Transition Plan. Any “existing” items with a “past-due” date of completion, *must be completed within the Year One of the new Transition Plan. Any existing items that have not yet reached their date of completion must retain their original date of*

completion. A copy of the new Self-Evaluation and Transition Plan must be provided to Rural Development.

4. RD Review of Accessibility Modifications: Prior to doing any work with regards to accessibility that involves ramps, curb cuts, concrete work, bathroom modification, or unit modification; we are requiring that the plans and specifications be provided to the servicing office for further review by the RD State Architect. The last thing we would want is for the borrower to complete work that did not comply with UFAS, FHA, ADA/AG or RD requirements.
5. Non-Compliance: Borrowers that fail to either bring themselves into compliance with applicable Civil Rights laws or fail to submit an acceptable Transition Plan, will be notified in writing by Rural Development and given 30 days to come into compliance either by completing the work or submitting an acceptable Transition Plan. If the borrower fails to complete one of the above actions within 30 days, the Servicing Office will notify the State Civil Right Coordinator/Manager (SCRC/M). If additional action is deemed necessary, the State Director may forward the issue of non-compliance to the National Office Civil Rights Staff.