



PART 1924 - CONSTRUCTION AND REPAIR

Subpart A - Planning and Performing Construction and other Development

§1924.1 Purpose.

This instruction supplements and adapts RD Instruction 1924-A to the development standards adopted and enforced by the State of Montana, Department of Labor and Industry, Building Standards Division, Building Codes Bureau, and the local building jurisdictions it certifies.

§1924.5(d) Construction.

The following standards are adopted by USDA-Rural Development-Montana for the design, construction, modification, and repair of all applicable dwellings, structures, and related facilities:

(1) Single Family Housing.

- (i) Building Systems: *International Residential Code*, 2003 edition, chapters 1 through 10, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, as amended by the Administrative Rules of Montana (ARM), section 24.301.154, and clarified by Exhibit E of this instruction. Highlights of ARM 24.301.154 include: chapters 11 through 43 are deleted; design snow loads within state-certified building jurisdictions are determined by the local building official, and otherwise are based on “Snow Loads for Structural Design in Montana”, authored by Videon and Schilke, Montana State University, August 1989; replaced or amended *IRC* subsections R301.6 *Roof Load*, R311.5.3 *Riser Height*, R311.5.3.2 *Tread Depth*, R311.5.4 *Landings for Stairways*, R312.1 *Guards required*, and R405.1 *Foundation Drainage, Concrete or masonry foundations*. (Revised 12-21-2004, MPN 099) Factory-built buildings, including manufactured homes, are subject to *IRC 2003* or *IBC 2003*, as amended by ARM 24.301.501, .511-.525, .532-.550, .557-.567, and .576-.577. Modifications, repairs, and additions to existing buildings are subject to requirements of applicable codes included in this Exhibit, or the *International Existing Building Code 2003* (available at ICC address noted above), as amended by ARM 24.301.171.
- (ii) Mechanical Systems: *International Mechanical Code*, 2003 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, as amended by the ARM, section 24.301.172.
- (iii) Plumbing Systems: *Uniform Plumbing Code*, 2003 edition, published by the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, California 91789, as amended by ARM, section 24.301.301 and .351; RD Instruction 1924-C, section 1924.107(a)
- (iv) Electrical Systems: *NFPA 70*, also known as *National Electrical Code*, 2002 edition, published by the National Fire Protection Association, P.O. Box 9101, Quincy, MA 02269-9101, as amended by Administrative Rules of Montana, section 24.301.401 and .411.

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- (v) Thermal Systems: *International Energy Conservation Code*, 2003 edition, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, as modified and amended by ARM 24.301.161, and as clarified in **Exhibit A** of this MT Instruction. New Manufactured Homes shall meet HUD Thermal Zone 3 criteria. Repairs, renovation of existing residences are subject to *Thermal Performance Construction Standards*, RD Instruction 1924-A, Exhibit D.
- (2) Multiple Family Housing, Community Facilities, and other commercial structures*.
 - (i) Building Systems: *International Building Code*, 2003 edition, together with Appendix C, published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, as modified and amended by ARM 24.301.131, -.134, -.138-.139, -.142, and -.146. One notable technical amendment of ARM 24.301.142 is the establishment of the minimum footing depth for buildings located outside of certified local building jurisdictions, which is 36 inches for single-story wood or metal frame buildings, and 48 inches for multi-story or masonry buildings.
 - (ii) Mechanical Systems: *International Mechanical Code*, 2003 edition; see (1) (ii) above for further information.
 - (iii) Plumbing Systems: *Uniform Plumbing Code*, 2003 edition; see (1) (iii) above for further information.
 - (iv) Electrical Systems: *NFPA 70*, aka *National Electrical Code*, 2002 edition; see (1) (iv) above for further information.
 - (v) Thermal Systems: *International Energy Conservation Code*, 2003 edition; see (1) (iv) above for further information.
 - (vi) Accessibility Standards: *IBC*, 2003 edition, as amended by ARM 24.301.901-.904, and other applicable accessibility standards. *There is no single uniform accessibility standard due to varying applicability imposed by federal and state legislation.* Requirements of *Uniform Federal Accessibility Standard (UFAS)*, *HUD Fair Housing Accessibility Guidelines (HUD/AG)*, and *American with Disabilities Act Accessibility Guidelines (ADA/AG)* are applicable according to building function, type of ownership and availability to use by the public, site design, and other factors.

*Hospitals and other Medical Facilities: *Guidelines for Construction and Equipment of Hospitals and Medical Facilities*, 1993 edition, published by The American Institute of Architects Press, 1735 New York Ave., N.W., Washington, D.C. 20006; *NFPA 101: Life Safety Code*, 2006 edition, published by National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02269

§1924.5(f) Responsibilities for planning development.

While planning construction and obtaining technical services with regard to drawings, specifications, certifications of compliance, and cost estimates are the sole responsibility of the applicant, assistance from the Agency's loan approval official and technical staff shall be provided as needed to assure the development is properly planned to protect the Agency's security interest. Exhibits and forms referenced in this State Instruction shall be discussed with applicants as part of the Agency's assistance. (Revised and renumbered 08-21-06, MPN 115)

- (1) Action plans for various types of housing proposals. In the initial visit with a potential housing applicant, the Agency's loan official shall make a preliminary evaluation of each proposal and provide appropriate guidance to satisfy the Agency's planning, bidding, and construction requirements. Differing planning requirements, responsibilities, and forms of documentation will be needed for each housing loan and grant application depending upon whether the proposal is for repairs to an existing dwelling, construction of a new dwelling, or purchase of an existing dwelling. **Exhibit B** of this Montana Instruction, *Action Plans for Construction and Repairs*, provides the Agency loan official and housing applicant with a sequenced outline of specific actions and documentation for these various types of proposals.
 - (i) For Section 504 application proposals for repairs to an existing dwelling, the actions and documentation noted in **Attachment 1** shall be discussed with the applicant. **Exhibit G** of this Montana Instruction provides repair specifications.
 - (ii) For Section 502 application proposals to design and construct a new dwelling, the actions and documentation noted in **Attachment 2** shall be discussed.
 - (iii) For Section 502 application proposals to purchase an existing dwelling, the actions and documentation noted in **Attachment 3** shall be discussed.
- (2) New dwellings. RD will advise the applicant of the Agency's adopted development standards identified in §1924.5(d)(1) of this MT Instruction, minimum design documents, the certification requirements for plans, specifications, and when applicable, additional certifications for manufactured homes and for private individual water/sewer systems. RD will provide any required RD forms for completion.
 - (i) Drawings and specifications. **Exhibit C** of RD Instruction 1924-A, *Guide for Drawings and Specifications*, and **Exhibit F** of this Montana Instruction, *Checklist for New Dwelling Designs*, are provided as guidance to prepare complete plans and specifications for designs of homes built onsite and foundation designs for manufactured homes. Similar guidance is provided for modular homes in **Exhibit B, Attachment 1** of RD Instruction 1924-A, *Required Information for Acceptance of Modular/Panelized Housing Units*.
 - (ii) Certification of designs. In accordance with §1924.5(f) of RD Instruction 1924-A, applicants must submit to RD a plan certification on **Form RD 1924-25**. When a state-certified city or county building authority has jurisdiction for building, plumbing, and mechanical systems the applicant may provide a copy of the building permit to the Agency loan official as evidence the development would meet Agency-adopted development standards, in place of the required Form RD 1924-25. **Exhibit D** of this subpart, *Certified Building Jurisdictions in Montana*, lists local jurisdictions currently authorized by the Building Codes Bureau, Building Standards Division, Montana Department of Labor and Industry, to issue building permits and provide code enforcement of the applicable developments standards.
 - (iii) Manufactured homes. When a new manufactured home, as defined in §1924.4(k) of RD Instruction 1924-A, is proposed to be purchased, the dealer-contractor responsible for the sale, transportation and setup of the unit must be pre-approved by the RD State Director and be listed in the current applicable Montana

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Administrative Notice (AN). The RD-approved dealer-contractor must provide the information and sign the certification statement on **Form MT 1924-1, Dealer-Contractor Certification Statement for New Manufactured Housing**. Further guidance and requirements in **Exhibit C** of this subpart, *Development guidelines for New Manufactured Housing* shall be discussed with the applicant and dealer.

- (iv) Modular/panelized homes. When a new modular home, as defined in §1924.4(m) of RD Instruction 1924-A, is proposed to be purchased, the Agency's loan official shall discuss with the applicant the requirements provided in **Exhibit B** of RD Instruction 1924-A, *Requirements for Modular/Panelized Housing Units*.
 - (v) Crawl space design and construction. When a new dwelling proposal includes a crawl space design, the applicant must provide RD with plans, specifications or construction notes that are part of their legal contract documents with the Contractor, that clearly identifies the method of crawl space ventilation. Upon submittal of plans for new dwelling construction, the RD loan official shall determine whether the design utilizes mechanical ventilation of the crawl space area instead of natural ventilation, or forward these to the State Architect or other designated plan review, for that determination. In any case where such a design is proposed, the contract documents must specify responsibilities of the Contractor to be implemented during construction that provide for the temporary ventilation of the enclosed crawl space area adequate to prevent the growth of mold on the surfaces of the building construction. **Exhibit E** of this subpart further illustrates the building code requirements, and minimum contract document requirements.
 - (vi) New onsite wastewater disposal system and well designs. When construction of a new dwelling includes development of an onsite sewage disposal system, or onsite water supply well, prior to loan approval, the applicant must provide RD with a copy of plans, permit, and other documentation as submitted to and approved by the state or local health authority, such as a county sanitarian, environmental, health, or planning officer responsible for development of wells and sewage disposal systems. Other documentation should include soil percolation test, engineering report on groundwater level, and any other documentation required by the health authority. As a followup, the borrower shall provide RD with a copy of the local health authority final inspection/acceptance document. For any new private, individual or shared well, the applicant/borrower must have a water sample tested for bacteria by a certified laboratory, and provide RD a copy of laboratory test results indicating compliance with State water quality standards. Well drilling construction contracts between the applicant and a contractor shall be approved by the Agency approval of well drilling agreements is required when loan funds are used for that purpose.
- (3) Existing Dwellings. RD will advise the applicant for loan or grants proposing to purchase or repair an existing home, the following responsibilities and actions shall be considered:
- (i) Initial Assessment. The Agency's loan official will visit the property to conduct a

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preliminary evaluation in accordance with RD Handbook-1-3550, paragraph 5.1B(1). That Handbook provides a guide, **Attachment 5A, Checklist for Initial Assessment of Existing Housing**. For Section 502 loan applications, the Agency's loan official shall determine if the property is ineligible because the dwelling is a factory-built manufactured home. A Section 504 repair loan or grant application may consider repairs to an existing manufactured homes only if the dwelling has a permanent foundation or repairs include installation of a permanent foundation. Existing modular homes are eligible for Section 502 loan applications. When appropriate the loan official shall determine whether a factory-built home is manufactured or modular by inspecting the dwelling for a metal insignia plate. A manufactured home insignia will have the following language: "AS EVIDENCED BY THIS LABEL NO. ---- THE MANUFACTURER CERTIFIES TO THE BEST OF THE MANUFACTURER'S KNOWLEDGE AND BELIEF THAT THIS MANUFACTURED HOME HAS BEEN INSPECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE HOUSING AND URBAN DEVELOPMENT AND IS CONSTRUCTED IN CONFORMANCE WITH THE FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE." A modular home insignia will have the following language: "THIS INSIGNIA IS THE PROPERTY OF THE STATE OF MONTANA DEPARTMENT OF COMMERCE BUILDING CODES BUREAU. THIS MANUFACTURER CERTIFIES THAT THIS UNIT IS CONSTRUCTED IN ACCORDANCE WITH APPLICABLE MONTANA STATUTES COVERING PLUMBING, HEATING, ELECTRICAL, AND STRUCTURAL IN FACTORY BUILT BUILDINGS. ANY ALTERATION, CONVERSION OR DEVIATION FROM APPROVED PLANS VOIDS THIS "INSIGNIA OF APPROVAL"." When no insignia is found, the loan official should inspect the floor system of the dwelling. A manufactured home will have at least 2 steel beams supporting floor joists, running the length of the dwelling, inward from the exterior walls, but not along the centerline of the dwelling. A modular home's structural support will be located beneath the exterior wall and possibly at the centerline, but not as described for the manufactured home.

- (ii) Adequacy of dwelling systems. When a loan application involves the purchase of an existing dwelling, the applicant, or the seller of the dwelling, must provide RD with qualified certifications concerning the adequacy of the electrical, plumbing, heat, and any onsite water supply or sewage disposal systems prior to the approval of the loan. An acceptable form of certification may be provided by a Real Estate Appraiser contracted for valuation services. The Agency's loan official will determine if further inspection and certification of adequacy shall be required for any component of a property improvement. When further inspection and certification of adequacy is required, it can be made by any qualified individual based upon their physical inspection of the dwelling. **Form MT 1924-12, Inspection Certification For Existing Dwelling**, may be completed and submitted for this purpose. Attachment 1 to this form is provided as a reference to the minimum conditions and features of an acceptable dwelling.
- (iii) Existing wells. When a loan application involves the purchase or repair of an existing dwelling with an onsite well as the water supply, the applicant or the seller shall have a water sample taken at the tap, and tested for bacteria by a certified laboratory. Laboratory results indicating compliance with local water quality standards shall be provided to the loan official.
- (iv) Termite protection. When a loan application involves the purchase or repair of an

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existing dwelling and inspection indicates improvements have construction with extensive wood to ground contact, then RD shall inform and require the applicant to obtain a building inspection by a qualified pest control inspection service, and reported on the industry's Form NPCA-1. When treatment is applied to an existing home, the appropriate forms are to be provided to RD.

- (v) Repair specifications. When repairs to an existing dwelling becomes a necessary action with a loan or grant application a complete description of the specific repair work in the form of a written repair specification will be required for bid and contract purposes. In recognition of the limited abilities and resources available to the applicants to obtain an adequate and acceptable repair specification, the Agency has compiled typical housing repair specifications into **Exhibit G** of this Montana Instruction, ***Construction Specifications for Housing Repairs***. When appropriate, the Agency's loan official shall use this Exhibit to prepare a repair specification that describes the work needed for the proposed application. When the Agency provides assistance with writing the repair specifications, the loan official shall provide the applicant with a draft version on Attachment 1 of Exhibit G and allow the applicant to review and make revisions as needed before repair bids are obtained.

Attachments

- Exhibit A: Montana Thermal Performance Standards
- Exhibit B: Action Plans for Construction and Repairs
- Exhibit C: Development Guidelines for New Manufactured Housing
- Exhibit D: Certified Building Jurisdictions in Montana
- Exhibit E: Ventilation of Residential Crawl Space Areas During Construction
- Exhibit F: Checklist for New Dwelling Designs
- Exhibit G: Construction Specifications for Housing Repairs

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