

Texas Minimum Construction Standards

Effective May 1, 2021



Administration and General Requirements

Single family construction activities must meet all local applicable building codes, requirements, zoning ordinances, and have no known deficiencies related to health and safety standards as prescribed in the Texas Minimum Construction Standards (TMCS). Where local codes do not exist, the International Residential Code (IRC) as described in Section 214.212 of the Local Government Code, including Appendix J for Existing Buildings and Structures is the applicable code for Single Family Programs.

The work shall not cause the structure to become unsafe or adversely affect the performance of the building; shall not cause an existing mechanical or plumbing system to become unsafe, hazardous, insanitary or overloaded; and unless expressly permitted by these provisions, shall not make the building any less compliant with code or to any previously approved alternative arrangements than it was before the work was undertaken.

Exception and Waivers

Contract Administrators may request an exception to certain provisions of TMCS for good cause, with approval granted at the discretion of the Department. The exception request process is outlined below:

- (1) The TMCS Exception Request Form (Exception Request) must be submitted for approval at the time of the submission of the initial inspection report with support documentation such as before photos, engineers report, and/or third party inspections.
- (2) The Exception Request must include information relating to the specific provision(s) of TMCS for which an exception is requested. The Contract Administrator must justify the grounds for the waiver based on the support documentation.
- (3) Upon receipt of the form, Department staff shall review and forward the Exception Request to the Director of Single Family and Homeless Programs Division. In no event will a request be approved if approval of the request causes the structure to pose an imminent threat to the life, health, or safety of the occupant(s). The Director of Single Family and Homeless Programs may approve or deny the request based on the following factors.
 - a. Whether the project could be completed within the program guidelines and available budget without the exception;
 - b. Whether the exception would materially impact the safety of the unit;
 - c. Whether the assisted household supports the request for exception;
 - d. Whether granting the exception would result in the structure failing to meet other program guidelines and requirements.

Substandard Conditions

The intent of TMCS is to correct substandard conditions so that dwellings are safer, healthier, more durable, more affordable, more energy efficient and more habitable. Rehabilitation must address more than those conditions that threaten the immediate health and safety of occupants. Each work specification must address at least one of the following to verify that the unit is in need of rehabilitation:

- Remedy health and/or safety deficiencies
- Improve the comfort of one or more occupants, including energy efficiency standards
- Improve accessibility
- Meet local code or ordinances

- Address a critical need for storage or living space
- Protect the structural integrity of the dwelling
- Replacement of systems or components nearing the end of their Useful Life

Structural Integrity

A home that has sustained substantial structural damage shall be evaluated by a licensed structural engineer to determine the necessary corrective measures when the home has partially collapsed, moved off its foundation, lacks support of the ground necessary to support it, or if there appears to be a significant risk of collapse, detachment or dislodgement of any portion. Load bearing elements include any column, girder, beam, joist, truss, rafter, wall, floor or roof decking that supports any vertical load in addition to its own weight or any lateral load.

Nonessential Improvements and Cosmetic Improvements

A nonessential improvement is an unnecessary item or measure intended solely for convenience or cosmetic improvement that does not directly relate to the correction of a substandard condition. Non-essential improvements that do not eliminate a hazard or remedy a deficiency shall be prioritized depending on budget and may become a part of Rehabilitation.

TDHCA expects Administrators to focus Rehabilitation on correcting substandard conditions and to prioritize work that is classified as essential. TDHCA encourages Administrators to educate applicants as to the purpose of Rehabilitation.

Lead-Based Paint

All homes built prior to 1978 that will be rehabilitated shall comply with the Environmental Protection Agency's (EPA) Renovation, Repair, and Painting Final Rule (RRP) found at 40 CFR Part 745. Federally funded Rehabilitations shall also comply with the HUD Lead Safe Housing Rule and homeowners cannot opt out of work practice requirements.

An EPA Certified Firm and an EPA Certified Lead Renovator shall be required to work on homes tested for lead-based paint or presumed to have lead-based paint present, regardless of funding sources. Administrators are responsible for requiring RRP and the HUD Rule in bid documents and insuring only qualified individuals and contractors work on pre-1978 homes.

All homes built prior to 1978 should receive a lead-based paint inspection by a qualified inspector, prior to creation of the Rehabilitation scope of work. Inspection results must be appropriately disclosed to the homeowner and TDHCA. A Clearance inspection must be conducted after work is completed on any homes, or part of a home, that has tested positive for lead.

Asbestos

The Department of State Health Services has responsibility for oversight of asbestos removal from single family residential buildings. Contractors must properly dispose of any known asbestos and associated costs can be included in bid docs as applicable.

Historic Properties

The Department of Interior's Rehabilitation Guidelines, codified at 36 CFR Part 67, should be utilized when a property fits the definition of a historic property and will be rehabilitated. The Texas Historical Commission is the State Historic Preservation Office (SHPO) and can provide further guidance on historic properties.

General Requirements

Substandard conditions are outlined below, and should include any condition that threatens the health and/or safety of the occupants. Substandard conditions include any condition which threatens, defeats or will lead to the lack of functional viability of a single feature of a home.

Site Work

1. Accumulated debris, waste, or garbage either in enclosed areas such as storage buildings or on the property.
2. Deteriorated outbuildings, sheds, wells, privies, or other structures which are no longer in use or are made unusable by their condition.
3. Holes, ditches, exposed water meter boxes or other condition which creates a tripping hazard, excluding drainage ditches which are part of a designed drainage system.
4. Rodents, insects, or other infestations.
5. Standing water or depressions which hold water during wet weather.
6. Leaking water supply or leaking sewage system.
7. Exposed pipes, railings or other installations creating tripping hazards.
8. Damaged, missing or deteriorated walkways, steps and decks which create tripping hazards or are otherwise unsafe.
9. Stairways or steps above 30" from the finished grade without a functioning guard rail.

Foundations

1. Evidence of wood destroyed by insect damage
2. Water and/or fire damage or dry rot to wooden piers, beams, joists, and subfloor
3. Inadequate support of beams, sills, or joists
4. Lack of drainage away from the home
5. Cracked, damaged, buckled skirting
6. Untreated wood in contact with the soil
7. Any other condition which meets the definition of a hazardous or substandard condition

Electrical Systems

1. Inadequate capacity (e.g., excessive use of power strips and/or multiple outlet adaptors)
2. Two-wire systems (lacking grounding)
3. Wiring or components missing, broken, disconnected, loose, burnt or melted, unsupported, corroded, cracked, or split
4. Panel boxes that show evidence of water intrusion or infestation
5. Frayed wiring or wire insulation
6. Circuits, switches, receptacles, or wiring is not compatible with the amperage or other characteristics of the electricity in use
7. Lack of hardwired smoke detectors where required
8. Flexible cords are used as permanent wiring
9. Exposed wiring on interior walls or the exterior that is not protected in conduit or raceways
10. Receptacles in bathrooms and kitchens within 6' of a water source and exterior receptacles that are not ground fault circuit interrupter (GFCI) protected
11. Reverse polarity

12. Unlabeled circuits
13. Missing cover plates
14. Components not securely attached to the structure
15. Inadequate lighting in rooms and outside of entry doors
16. Any other condition which meets the definition of a hazardous or substandard condition

Plumbing Systems

1. Lack of a continuous sanitary water supply
2. Lack of a continuously functioning sanitary waste water disposal system
3. Septic system not performing as intended
4. Lack of at least one functioning toilet, bathroom sink, and/or tub/shower
5. Lack of a functioning kitchen sink
6. Deteriorated, corroded, and/or leaky supply or drain pipes
7. Supply and/or drain piping consists of a mixture of a variety of different types of piping or fittings or that is run in an inefficient manner
8. Missing or blocked vent pipes
9. Missing gas shut off valve on natural gas DWH
10. Missing or improperly installed temperature and pressure-relief valve (TPRV) on DWH
11. Natural gas DWH combustion air taken from conditioned space
12. Inadequate natural gas DHW vent
13. Rusted or corroded DHW pipes or storage tanks
14. Missing shut off valves at the water meter, each toilet, each sink, DWH, and shower/tub locations
15. Plumbing fixtures not performing as intended
16. Any other condition which meets the definition of a hazardous or substandard condition

Heating, Ventilation, and Air Conditioning Systems (HVAC)

1. Lack of an adequate source of heating and cooling to all living areas
2. Gas-fired air handler inside the conditioned space which draws combustion air from the interior
3. Combustion gases not venting to the exterior
4. Leaking, damaged, or cracked heat exchanger
5. Leaking, corroded or damaged gas supply pipe
6. Lack of a functioning pilot or electric start
7. Duct system that does not supply necessary conditioned air to all living areas
8. Unvented gas-fired wall heaters in enclosed rooms. If existing, the wall unit shall be removed and the gas line capped
9. Gas-fired kitchen stoves and/or ovens without ventilation to the exterior
10. Lack of a functioning carbon-monoxide detector in homes with gas-fired appliances or equipment

Roofing Systems and Attics

1. Multiple layers of roof covering materials or extensive patchwork and repairs which demonstrate the existence leaks or corrosion
2. Water damage caused by leaks through the roofing system under the envelope of the dwelling
3. Missing, worn, or upturned shingles
4. Damaged, missing, or improperly installed roof jacks, flashings, drip edges on both rakes and eaves
5. Exposed nails or other fasteners
6. Structural damage to trusses
7. Missing, damaged, loose, leaking, blocked, improperly sloped gutters and downspouts
8. Any other condition which meets the definition of a hazardous or substandard condition

Walls and Ceilings

1. Water damage or dry rot of siding, trim, or interior wall coverings
2. Peeling or chipped paint, holes, cracks, or gaps in interior wall coverings or exterior cladding
3. Broken, fire damaged or missing exterior cladding
4. Sagging or missing ceiling sections
5. Wood destroying insect damage in exterior cladding
6. Any other condition which meets the definition of a hazardous or substandard condition

Flooring

1. Damaged, rotted, loose, weak or otherwise deteriorated subfloor
2. Torn, missing, broken, or otherwise damaged floor covering that creates a tripping hazard
3. Any other condition which meets the definition of a hazardous or substandard condition

Doors and Windows

1. Missing adequate emergency escape and rescue openings
2. Broken, missing or cracked window panes
3. Rotten or deteriorated sills, frames or trim
4. Missing seal or sealant or dried, cracked or missing putty or caulking around window panes
5. Windows painted shut, inoperable or difficult to open and close
6. Security bars that are not egress compliant
7. Windows and exterior doors that do not lock
8. Broken, damaged, or deteriorated doors
9. Doors that do not shut and latch or lock smoothly with the strike plate
10. Exterior doors not designed for exterior use
11. Rotted, deteriorated or damaged thresholds, jambs, frames, or trim
12. Any other condition which meets the definition of a hazardous or substandard condition

Kitchens

1. All kitchens shall have safe and operating ovens, cook tops, and refrigerator, if such appliances are installed, and must be properly vented for the energy source.
2. All countertops, cabinet doors and pullout drawers should be functioning as intended.
3. Handles and knobs should be appropriate to the needs of occupants.
4. Countertops should be level and at a height appropriate to the needs of occupants.

Energy Efficiency

Minimum Energy Efficiency Requirements for Single Family Construction Activities are published at 10 TAC Chapter 21.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
TMCS Exception Request Form

Administrator Name:	Contract Number:
Program:	Estimated Funding Amount:
Household Name:	
Project Address:	

The Contract Administrator and assisted household request an exception from the following provision(s) of the Texas Minimum Construction Standards:

TMCS Provision	Explanation of need for exception (required):	TDHCA Approver Initials:

By signing below, Administrator acknowledges that the request for exception from one or more provisions of TMCS does not otherwise conflict with Program requirements:

Administrator Signature, Title	Date
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By signing below, the Household acknowledges their understanding of and agreement with the exceptions requested by the Administrator for the rehabilitation project:

Head of Household Signature	Date
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TDHCA Approver Signature	Date
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