

# CITY OF KNOXVILLE HOUSING AND NEIGHBORHOOD DEVELOPMENT



## TIERED ENVIRONMENTAL REVIEW FOR REPAIR, REHABILITATION, OR RENOVATION OF SINGLE-FAMILY RESIDENTIAL PROPERTIES

### BROAD-LEVEL REVIEW SUMMARY & SITE-SPECIFIC COMPLIANCE STRATEGY

August 21, 2020

#### Overview

The City of Knoxville (City) has developed a Consolidated Plan (2020-2024) to address affordable housing development needs in their jurisdiction. The submission of a Consolidated Plan and its subsequent Environmental Record Review is a requirement of the U.S. Department of Housing and Urban Development (HUD) for a jurisdiction to receive funding under its Community Development Block Grant (CDBG), CDBG COVID Recovery, HOME Investment Partnerships Act (HOME), and Emergency Solutions Grant (ESG) programs. These funds are used to support affordable housing community development activities focused on the needs of low- to moderate-income (LMI) people and households in each jurisdiction. The City of Knoxville plans to conduct or provide assistance toward preservation, repair, rehabilitation, stabilization, or renovation of single-family residential structures (hereafter, “rehab program”), as defined below. The City conducts community development activities, such as the rehab program, to improve the stock of housing available to low- to moderate-income (LMI) people. The exact physical locations of individual project sites under the rehab program are not currently known but will be determined on an ad hoc basis as applications for assistance are received.

The City's rehab program is ideally suited to use a tiered environmental review process, as explained on the HUD Exchange website (see the link below following the quoted information):

*“Tiering is a specialized form of conducting environmental reviews and is not appropriate for all activities, funding sources, or grantees. However, using tiering may increase efficiency when at the planning level HUD or the RE does not yet fully know the specific timing, location, or environmental impacts. For HUD environmental reviews, tiering may be appropriate when HUD or the RE is evaluating a collection of projects that would fund the same or very similar activities repeatedly within a defined local geographic area and timeframe (e.g., rehabilitating many single family homes within a city district or neighborhood over the course of 1 to 5 years) but where the specific sites and activities are not yet known.”*

Reference: <https://www.hudexchange.info/programs/environmental-review/tiered-environmental-reviews/>

### General Description of Projects

Projects evaluated under this review for compliance with 24 CFR Part 58 shall consist of repair and/or rehabilitation, of existing single-family residential properties meeting the following requirements and limitations:

- between one and four (1-4) single-family residential units on a single contiguous site
- unit(s) may be attached or detached (free-standing)
- unit(s) may be owner-occupied or rental housing
- repair and/or rehabilitation activities cannot result in the conversion of a non-residential property for residential use
- expansion of buildings and/or installation of site improvements is permitted if:
  - the resulting footprints for either structures or site improvements will not occupy, nor will work impact, the floodplain or a wetland
  - Structural additions do not increase residential density beyond four (4) units

The scope of work may include any of the following:

- repairs or replacement of:
  - cosmetic finishes
  - structural components
  - doors and windows
  - interior or exterior envelope
  - electrical, mechanical, and plumbing systems
  - site improvements (e.g. driveways, exterior lighting, fencing, landscaping, etc.)
  - utility lines and connections
- Expansion or additions to existing buildings that otherwise comply with the restrictions noted above
- Installation of needed site improvements, including that otherwise comply with the restrictions noted above

- Any activities listed under 24 CFR 58.34 (Exempt activities) and 58.35(b) (Categorical Exclusions) occurring concurrent to the repair or rehabilitation activities and in association with the project site.

The exact scope of work for individual projects will be described within the associated “Site-Specific Checklist.”

#### Owner Occupied Housing Rehabilitation

Designated entities under contract will provide assistance in the form of grants or no/low interest loans to low to moderate income homeowners for rehabilitation of their current principle residence within the respective city limits. Rehabilitation will be performed only on qualified properties having one or more substandard conditions or properties requiring alterations or additions to accommodate medically documented conditions or disabilities. All units will be brought up to the City’s housing quality standards (HQS) and follow the City of Knoxville Community Development Rental Rehabilitation Standards (Appendix A).

All of the units will be located within the city limits for City projects. Site work will be done only as necessary to achieve the following goals:

- correct existing unsafe conditions
- correct substandard conditions likely to result in unsafe conditions, or
- accommodate medically documented conditions or disabilities

#### Rental Rehabilitation

HOME, CDBG and possibly other federal and private funds will be used for rental rehabilitation programs or projects that serve very low to moderate income residents. The funds will be used by the City and/or other organizations, by contract, to renovate substandard rental units located within the city limits. It is required that the renovations bring the unit(s) up to applicable standards, which will include, at a minimum, HUD’s housing quality standards (HQS) and/or Written Rehabilitation Standards. Site work will be consistent with that of the owner-occupied component.

#### Broad-Level (a.k.a. Tier 1) Review Process

Environmental Laws and Authorities cited under 24 CFR 58.5 and 58.6, as found on the “Broad-Level Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5” (hereafter, “Broad-Level checklist”) will be reviewed to determine if compliance can be documented (or cleared) at the Broad-Level for all projects under this tiered review based on the stated project activities and general location (city limits of Knoxville projects) only.

#### Site-Specific (a.k.a. Tier 2) Review Process

A strategy for analyzing and making compliance determinations for those Environmental Laws and Authorities, not cleared at the Broad-Level, has been developed and is described further below. As applications for assistance are received and individual project locations become known, a “Site-Specific Checklist for Tiered Environmental Review for Repair and/or Rehabilitation of Single Family Residential Properties” (hereafter, “Site-Specific Checklist”) will be used to describe compliance determinations and reference supporting documentation for applicable environmental laws and authorities not cleared in

the Broad-Level Checklist. A blank copy of the Site-Specific Checklist is attached to this document as Appendix B.

### Environmental Review Records

The Environmental Review Record (ERR) for each project will consist of copies of this document, the Broad-Level Checklist, the completed Site-Specific Checklist, along with all supporting documentation for applicable environmental laws and authorities. Alternatively, this document and the Broad-Level Checklist (with supporting documentation) may be stored separately and referenced in the ERR for each individual project, in which case the Broad-Level Checklist must also contain a log sheet listing information clearly and uniquely identifying each specific project by address or geocoordinates.

### Summary of Broad-Level Review

As noted below and within the Broad-Level checklist, determinations of compliance were made (i.e. cleared) for Coastal Barrier Resources, Clean Air Act, Coastal Zone Management, Farmlands Protection, Sole Source Aquifers, and Wild and Scenic Rivers.

#### 1. **Coastal Barrier Resources (Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501])**

The Coastal Barrier Resources Act (CBRA) of 1982 designated relatively undeveloped coastal barriers along the Atlantic and Gulf coasts as part of the John H. Chafee Coastal Barrier Resources System (CBRS) and made these areas ineligible for most new Federal expenditures and financial assistance. The Coastal Barrier Improvement Act (CBIA) of 1990 reauthorized the CBRA and expanded the CBRS to include undeveloped coastal barriers along the Florida Keys, Great Lakes, Puerto Rico, and U.S. Virgin Islands. Tennessee is not a coastal state and therefore this regulation does not apply. See map in Appendix C.

Sources:

Fish and Wildlife Service's Coastal Barrier Resources Act mapper  
<https://www.fws.gov/cbra/maps/Mapper.html>

#### 2. **Air Quality (Sections 176(c) and (d), and 40 CFR 6, 51, 93)**

The repair/rehabilitation of projects involving existing single-family homes will not result in new sources of criterion air pollutants, or an increase in existing sources of pollutants. Therefore, it has been determined that these activities will not affect air quality standards. Therefore, the requirements of the Clean Air Act of 1970 do not apply.

Sources:

EPA's Nonattainment Areas for Criteria Pollutants (Green Book)  
[https://www3.epa.gov/airquality/greenbook/anayo\\_ak.html](https://www3.epa.gov/airquality/greenbook/anayo_ak.html)

**3. Coastal Zone Management (Coastal Zone Management Act Sections 307(c) and (d))**

The Coastal Zone Management Acts of 1972, 1976, and 1980 require that all federal grant activities which "directly affect" the zone comply with approved State Coastal Zone Management Plans. Tennessee is not a coastal state and therefore this regulation does not apply See map in Appendix C.

Sources:

NOAA Office for Coastal Management Coastal Zone Management Programs

<https://coast.noaa.gov/czm/mystate/>

**4. Farmlands Protection (Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658)**

Rehabilitation activities will not cause the conversion of farmland for non-agricultural use. Therefore, the requirements of the Farmland Protection Policy Act of 1981 will not apply according to the local office of Tennessee's Natural Resources Conservation Service.

Sources:

USDA National Resources Conservation Service Web Soil Survey

<https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

U.S. Census Bureau

**5. Sole Source Aquifers (Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149)**

According to EPA's Map of Sole Source Aquifers (link below with static copy attached) there are not sole source aquifers located in the State of Tennessee. Therefore, all site-specific locations are in compliance with Sole Source Aquifers. These requirements of the Clean Water Act of 1977 do not apply. See attached map in Appendix C.

Sources:

EPA Map of Sole Source Aquifers

<https://www.epa.gov/dwssa/map-sole-source-aquifer-locations>

**6. Wild and Scenic Rivers (Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c))**

No National Wild or Scenic Rivers are located in Knox County, Tennessee according to the National Wild and Scenic River System in the US. Only the Obed River located approximately 40 miles west of Knoxville is listed as a National Wild and Scenic River (see attached map in Appendix C). Segments of both the Holston and French Broad rivers within Knox County (and adjacent to Knoxville corporate limits) are listed on the Nationwide Rivers Inventory and are therefore afforded protections under this law. However, projects consisting only of rehabilitation of existing homes are not "Water Resources" projects, capable of affecting the free-flowing nature of river segments, and also do not have capacity to affect the viewshed from protected segments. Therefore, these projects are in compliance with the Wild and Scenic Rivers Act of 1968 and further consideration of this law is unnecessary.

Sources:

National Wild and Scenic Rivers System

<https://www.rivers.gov/tennessee.php>

<https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm>

## Site-Specific Compliance Strategy

### 1. Airport Hazards (24 CFR Part 51 Subpart D)

This will be addressed in a site-specific review.

HUD regulations provide the following definition for Civil Airport:

*“An existing commercial service airport as designated in the National Plan of Integrated Airport Systems prepared by the Federal Aviation Administration in accordance with section 504 of the Airport and Airway Improvement Act of 1982.”*

Except for projects that will not be frequently used or occupied by people, HUD policy is to deny HUD assistance, subsidy, or insurance for any project involving new construction, substantial or major modernization and rehabilitation (applies to any repair activities not meeting the definition of maintenance per Notice CPD-16-02) or any other activity or program that significantly prolongs economic or physical life of existing facilities located within Runway Protection Zones (RPZ) at civil airports or Clear Zones (CZ) at military airfields.

HUD regulations for this authority provide that if a project is not located within 2,500 feet of a civil airport or 15,000 feet of a military airfield, the project is in compliance with this authority. The potential project area is defined as the area within the city limits of Knoxville. Two airports service Knox County: McGhee Tyson Airport which is located in Blount County, approximately three miles south and outside of Knox County, and Island Home Airport, which is located in downtown Knoxville. Island Home Airport is included in the National Plan of Integrated Airport Systems for 2011–2015, which categorized it as a reliever airport. Although most U.S. airports use the same three-letter location identifier for the FAA and IATA, this airport is assigned DKX by the FAA, but has no designation from the IATA. All projects analyzed under this tiered environmental review will be reviewed for proximity within 2,500 feet of Island Home Airport boundaries. If a project site is found to be within that area of concern, the airport operator will be consulted to determine if the site is located within any of its defined RPZ. If a site is determined to be located within an RPZ, the project will be rejected. See attached map in Appendix C of airport locations in relation to the city and county boundaries.

Sources:

24 CFR Part 51, Subpart D

<https://www.airnav.com/airport/KDKX>

2019-2013 NPIAS Report

Google Maps

Knox County GIS Mapping System

**2. Flood Insurance (Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a])**

This will be addressed in a site-specific review.

The Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) requires that projects receiving federal assistance and located in an area identified by the Federal Emergency Management Agency (FEMA) as being within a Special Flood Hazard Areas (SFHA) be covered by flood insurance under the National Flood Insurance Program (NFIP). In order to be able to purchase flood insurance, the community must be participating in the NFIP. If the community is not participating in the NFIP, federal assistance cannot be used in those areas.

The City of Knoxville will use a combination of Federal Insurance Rate Maps (FIRMs) and the Knoxville GIS System with floodplain layers to determine if any proposed projects are located in the floodplain. Where specific projects are determined to have insurable property (primarily residential structures and outbuildings) located within the 100-year floodplain, Flood insurance will be obtained and the recipient will be notified of the requirement to maintain flood insurance for the life of the structure.

Sources:

FEMA FIRM Maps

Knoxville/Knox County GIS Mapping System with floodplains overlays

**3. Hazards, Toxic or Radioactive Materials and Substances (24 CFR Part 50.3(i) & 58.5(i)(2))**

This will be addressed in a site-specific review.

All activities will be reviewed for seismic and toxic hazards to varying extents, based on the specific activity. This category includes asbestos and lead-based paint, as well as visible distress to the property, settlement ponds, etc.

Compliance of this part will be addressed through the completion of a Tier II Site Specific environmental checklist for each of the individual sites. A determination will be secured by using the NEPAAssist tool within the EPA website. This tool will indicate if the proposed site is located on or within 3,000 feet of an area that contains or may have contained hazardous waste (Superfund Clean-up site, Brownfields). Reviewing the Enforcement & Compliance section of the website will allow this determination to be made.

Sources:

EPA NEPA Assist Mapper

<https://nepassisttool.epa.gov/nepassist/nepamap.aspx>

EPA Cleanups in My Community

<https://www.epa.gov/cleanups/cleanups-my-community>

EPA ECHO Facility Search

<https://echo.epa.gov/facilities/facility-search?redirect=page>

Tennessee Department of Environment and Conservation

**4. Endangered Species (Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402)**

This will be addressed in a site-specific review.

The Tennessee office of the U.S. Fish and Wildlife Service will be consulted on all projects with the exception of those listed on their blanket Clearance letter, "U.S. Fish and Wildlife Service Clearance to Proceed with Projects". Rehabilitation of existing structures on developed land is listed on this letter and therefore, unless vegetation removal or ground disturbance is required, there will be no further consultation required for these projects. If any project proposes to remove vegetation, disturb the ground, or produce excessive noise, the Department of Fish and Wildlife will be consulted and an opinion obtained. The City of Knoxville will follow USFWS Information for Planning and Consultation (IPaC) protocol for any projects which include new construction and may potentially affect endangered species.

Sources:

U.S. Fish and Wildlife Service

<https://ecos.fws.gov/ipac/>

Tennessee Wildlife Resources Agency's Chapter 1660-01-32 Rules and Regulations for In Need of Management, Threatened, and Endangered Species

<https://publications.tnsosfiles.com/rules/1660/1660-01/1660-01-32.20180830.pdf>

**5. Explosive and Flammable Operations (24 CFR Part 51 Subpart C)**

This will be addressed in a site-specific review.

Generally, rehabilitation of existing single family homes (1-4) units with no increase in density will not trigger this regulation. However, in cases where the City rehabilitates a vacant, substandard unit that allows for an increase in density, the City of Knoxville will obtain compliance with this regulation per 24 CFR Part 51 Subpart C.

The staff will search and map all above ground storage tanks within a one-mile radius of the site and determine the Acceptable Safe Distance (ASD) with the use of the HUD ASD Calculator. Tank contents and size will be obtained from tank owners and stored for future use.

Sources:

Knoxville/Knox County GIS Mapping System

Consultations with tank owners

**6. Floodplain Management (Executive Order 11988, particularly section 2(a); 24 CFR Part 55)**

This will be addressed in a site-specific review.

The City of Knoxville will use the latest version of the Flood Insurance Maps issued by the Federal Emergency Management Agency (FEMA) to assess the flood designation for the proposed activity. Compliance with this part will be addressed through a Tier II Site-Specific Environmental Review checklist and determine if the specific site is within a FEMA designated "Special Flood Hazard Area"



(SFHA). The FEMA map will indicate the site location marker, map & panel number, map revision date, and if the site is in a designated SFHA- identified flood zone. If review of the FEMA website indicates the specific site is on a "non-printed panel" with no indication of being located in a floodplain, the ER preparer will utilize the City of Knoxville's current GIS mapping tool with a FEMA map overlay to determine if the site is within a SFHA. A copy of this map depicting the Site shall be placed in the Environmental Review. In general, no rehabilitation or individual action will take place in a floodway.

For projects consisting of repair or rehab of single-family (1-4 units on a contiguous site) properties for which the project site is found to be located partially or entirely within the 100-year floodplain, the following protocol will be followed to determine if analysis of impacts and mitigation is necessary.

a) For projects that do not meet the definition of "Substantial improvement" under 55.2(b)(10): Repair projects of single-family properties that do not meet this definition are exempt from the 8-step decision-making process described at 24 CFR 55.20, per 55.12(b)(2). If so, the ERR will contain 1) FEMA flood insurance rate map annotated with the projects location and approximate property boundaries, and 2) documentation showing the cost of the repairs and the basis for determining its value. If the project meets these requirements, no further evaluation under 24 CFR Part 55 is required beyond documenting the project's wetlands status (see below). Otherwise, proceed to b).

b) For projects meeting the definition of substantial improvement under 55.2(b)(10), and having no identified wetlands on the project site, search FEMA records for past issuance of Final or Conditional LOMA, LOMR, or LOMR-F that removes the entire project site from the floodplain. If so, the project may qualify for the exception to 24 CFR Part 55 found at 55.12(c)(8). The ERR must contain documentation evidencing the project meets these requirements. If the project meets these requirements, no further evaluation under Part 55 is required. Otherwise, continue to c).

c) For projects where the 100-year floodplain, including the floodway or coastal high hazard area, or wetlands occupies only incidental portions of the project site, the requirements of 55.12(c)(7) will be evaluated. If those requirements are met, the ERR will contain documentation evidencing same, and 24 CFR Part 55 is not applicable to the project and no additional evaluation under Part 55 is required. Otherwise, continue to d).

d) The project is a substantial improvement and does not qualify for any exceptions noted above. Therefore, the 8-step decision making process described at 24 CFR 55.20, including the requisite analyses, determinations, and public notifications must be performed and documented in the ERR.

Sources:

FEMA FIRM Maps

Knoxville/Knox County GIS Mapping System with floodplains overlays

## **7. Historic Properties (National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800)**

This will be addressed in a site-specific review.

Section 106 of the National Preservation Act of 1966 (NHPA), as amended, mandates that agencies with jurisdiction over federally assisted activities afford the National Advisory Council on Historic

Preservation (NACHP) and the State Historic Preservation Officer (SHPO) a reasonable opportunity for comment on a project's impact on historic properties. Pursuant to HUD's guidelines on compliance with the Section 106 review process (36 CFR Part 800), the City of Knoxville is operating under individual Programmatic Agreements (PA) that includes the Knoxville-Knox County Planning (KKCP) Department and the SHPO (see attached agreements in Appendix D). As per this programmatic agreement, all properties that are 45 years and older will be reviewed under Section 106 of the NHPA of 1966 by the KKCP. These services will include homeowner rehabilitation, rental rehabilitation, HVAC replacement, and down-payment assistance. If any of these activities are determined by KKCP to impact a historic structure or area (either by letter or map), additional information will be submitted to KKCP for review and comment in accordance with the MOA. If approved by KKCP, the package is submitted to SHPO for concurrence.

Sources:

Tennessee Historical Commission Mapper

<https://tnmap.tn.gov/historicalcommission/>

Knox County Property Search

<http://www.kgis.org/>

**8. Noise (Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B)**

This will be addressed in a site-specific review.

If the project is not located within 1,000 feet of any major highway, 3,000 feet of any railroad, 5 miles of a major civilian airport, or 15 miles of a military airport, then noise abatement and control is not applicable. The City shall document that the project will not be adversely affected by any of these sources by placing a map with the site marked on the map in the Environmental Review. If, however, any of the aforementioned conditions exist, a noise study must be conducted in accordance with HUD's Noise Guidebook. For rehabilitation activities involving noise sensitive facilities exposed to Normally Unacceptable or Unacceptable, HUD encourages incorporation of noise attenuation measures given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.

Where site-specific projects covered under this tiered review strategy are found to be subject to noise levels above 65 dB, the ERR will contain either:

- a) documentation of the nature and extent of noise attenuating features or components incorporated into the scope of work, along with the resulting projected interior Day-Night noise Level (DNL), or
- b) description of the bases for decisions to not incorporate noise attenuating features or components in the scope of work. Reasonable bases for such decisions include, but are not limited to,
  - 1) the proposed scope of work does not address components capable of attenuating the identified elevated noise levels
  - 2) the cost of incorporating noise attenuating features or components exceeds project budget limitations or is disproportionately high in relation to the project cost without additional attenuation (e.g. if the scope of work includes components capable, if upgraded, of attenuating the specific noise sources, additional material/component costs are usually no

more than 20% - going beyond that may compromise our ability to serve other needs within the community).

Sources:

Federal Railroad Administration Rail Crossing Inventory

<https://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx>

TDOT Traffic History

<https://www.arcgis.com/apps/webappviewer/index.html?id=075987cdae37474b88fa400d65681354>

HUD DNL Calculator

<https://www.hudexchange.info/programs/environmental-review/dnl-calculator/>

HUD Sound Transmission Assessment Tool (STraCAT)

<https://www.hudexchange.info/stracat/>

Knoxville/Knox County GIS Mapping System with transportation overlays

## 9. Wetlands Protection (Executive Order 11990, particularly sections 2 and 5)

This will be addressed in a site-specific review.

Executive Order 11990 requires all federal executive agencies to refrain from supporting construction in wetlands wherever there is a practical alternative. Section 10 of Executive Order 11990 authorizes that responsibility applicable to projects covered by Section 104 (h) of the Housing and Community Development Act of 1974 may be assumed by the applicant if the applicant had also assumed all the responsibilities for environmental review. The Executive Order directs the applicant to avoid to the extent possible the long and short term impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands, wherever there is a practical alternative. For HUD projects, Executive Order 11990 is implemented by regulations found at 24 CFR Part 55, which also addresses Floodplain Management (see above).

Compliance with Executive Order 11990 and 24 CFR Part 55 will be determined for site-specific reviews using the following steps:

- a) For projects that do not meet the definition of "Substantial improvement" under 55.2(b)(10):  
Repair projects of single-family properties that do not meet this definition are exempt from the 8-step decision-making process described at 24 CFR 55.20, per 55.12(b)(2). If so, the ERR will contain 1) a copy of the NWI map showing the project location and immediate surroundings, annotated with the projects location and approximate property boundaries, and 2) documentation showing the cost of the repairs and the basis for determining its value. If the project meets these requirements, no further evaluation under 24 CFR Part 55 is required beyond also documenting the project's floodplain status (see above). Otherwise, proceed to step b).
- b) For projects meeting the definition of "Substantial improvement" under 55.2(b)(10):  
Determine if any of the activities comprising the project involve ground disturbance.
  - 1) If project activities do not include ground disturbance, there exists no potential for "new construction" as defined in Executive Order 11990 and 24 CFR 55.2(b)(8).
    - i) If the project site is located entirely outside the floodplain (see Floodplain Management, above), all that is required is to add to the ERR documentation evidencing the lack of ground-disturbing activities and a copy of the NWI Map (see below).

ii) If the project is located within the floodplain, formal evaluation of the presence or absence of wetlands is necessary to determine compliance with the requirements of 24 CFR Part 55 - proceed to step c).

2) If project activities include ground disturbing activities, formal evaluation of the presence or absence of wetlands is necessary to determining compliance with the requirements of 24 CFR Part 55 - proceed to step c).

c) Wetlands Identification Protocol:

24 CFR 55.2(b)(11)(ii) prescribes the primary screening tool to determine if the project site is located in proximity to wetlands and use of the NW maps produced by the US Fish and Wildlife Service (FWS). It is important to understand that NWI maps are not intended as an authoritative and definitive list of the locations and extent of all wetlands, but rather were designed as indicators of potential or probable wetlands areas. Where a NWI map identifies a potential or probable wetland, additional steps are necessary to confirm their presence and fully define their extent. When identification of wetlands is necessary, the following steps will be taken:

1) If the project site is located within an area designated on NWI maps as wetlands, FWS staff will be consulted to determine the nature and extent of the wetland(s) area. If FWS staff are unavailable or unable to provide definitive information in a timely manner, an appropriately qualified wetlands professional will be consulted.

2) For projects where NWI maps show no indication of wetlands on or adjacent to the site, yet streams (intermittent or perennial), creeks, rivers, ponds, or other areas frequently or intermittently covered with water are located on or adjacent to the site, Natural Resource Conservation Service Web Soil Survey maps and, where available, equivalent resources provided by local or state governments will be reviewed to determine if soils having hydric ratings are known or suspected to exist on the project site. If so, a qualified wetlands professional will be consulted to determine the absence or existence and extent of wetlands on the project site.

3) If no wetlands are identified on the project site, the project is in compliance with Executive Order 11990. The ERR will include documentation supporting the review and evaluation of relevant information.

4) If wetlands are identified on the project site, proceed to step d).

d) There are identified wetlands located on the project site, the project represents a substantial improvement under 24 CFR 55.2(b)(10), and consists of ground-disturbing activities:

1) For projects where the 100-year floodplain, including the floodway or coastal high hazard area, or wetlands occupies only incidental portions of the project site, the requirements of 55.12(c)(7) will be evaluated. If those requirements are met, 24 CFR Part 55 is not applicable and no additional evaluation under Part 55 is required, aside from Floodplain Management requirements noted above. Otherwise, continue to step e).

e) The 8-step decision making process described at 24 CFR 55.20, including the requisite analyses, determinations, and public notifications will be performed and documented within the ERR.

In addition to the HUD requirements, projects impacting wetlands may require USACE or State Water Quality program authorization prior to beginning construction.

Sources:

USDA National Resources Conservation Service Web Soil Survey

<https://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

U.S Fish and Wildlife Service National Wetlands Inventory Mapper

<https://www.fws.gov/wetlands/Data/Mapper.html>

## 10. Environmental Justice (Executive Order 12898)

This will be addressed in a site-specific review.

Executive Order 12898 directs each Federal agency to make achieving environmental justice part of its mission by “identifying and addressing as appropriate disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations”. The City will consult the One CPD Environmental website to determine if an area is majority minority.

To address Executive Order 12898, the City of Knoxville adheres to the following:

1. Make every effort to refrain from placing federally funded housing activities (which solely benefit low- and moderate-income individuals and minorities) near hazardous and environmentally unsound locations disproportionately affecting minorities or low-income populations.
2. Make every effort to refrain from producing significant adverse impacts on the surrounding environment as a result of federally funded projects, or from exacerbating existing adverse conditions.
3. Thoroughly research all possible locations for federally funded activities for the presence of hazards and other surrounding dangers and potential dangers.

Sources:

EPA Environmental Justice Screening and Mapping Tool (EJSCREEN)

<https://ejscreen.epa.gov/mapper/>

### **Implementation and Compliance**

City staff, in consultation with the appropriate authorities, is responsible for the implementation of environmental requirements and will ensure compliance before transferring funds to any housing related or infrastructure project. City staff will maintain documentation of all required consultation as documented on the statutory checklist devised for review of the unspecified housing related activities sites.

Single-family repair and rehabilitation activities not included under this Tier 1 Review shall not commence until a separate, project-specific, environmental review of the appropriate scope is prepared and, if applicable, a finding of no significant impact and release of funds are approved, or, if necessary, an environmental impact statement (EIS) is prepared.

**APPENDIX A**

**HOUSING STANDARDS AND RENTAL REHABILITATION PROGRAM**

**COMMUNITY DEVELOPMENT  
NEIGHBORHOOD HOUSING STANDARDS**

**December 18, 2019**



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**NEIGHBORHOOD HOUSING STANDARDS**

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## **INTRODUCTION TO THE NEIGHBORHOOD HOUSING STANDARDS:**

These guidelines, which shall be referred to as the Neighborhood Housing Standards, have been adopted by the Community Development Department of the City of Knoxville. As a condition for receiving monies from the United States Department of Housing and Urban Development (HUD), the City of Knoxville must make reference to a code or document that defines a ‘standard’ that housing rehabilitation cases shall be brought to; the Neighborhood Housing Standards has been that ‘standard’ for many years.

The intent of these Neighborhood Housing Standards is to provide a guideline for the rehabilitation of *existing* housing units under the various housing programs administered by the City of Knoxville that use HUD funds. In itself, it is not intended as a ‘code’, but rather, incorporates a minimum housing standard that can be used to:

- a.) meet (and many times exceed) the minimum standards dictated by the most currently adopted ICC Property Maintenance Code used by the Codes Enforcement Department in the inspection of housing units;
- b.) meet (and many times exceed) the minimum standards dictated by the HUD Section Eight Housing Quality Standards for living units;
- c.) serve as an outline for the Rehabilitation Specialist in preparing a work write-up for an existing unit that meets (and many times exceeds) the requirements of the codes and standards referenced above, and;
- d.) serve as a reference that can be used in resolving disputes with homeowners when their expectations exceed the intent of our programs.

## **CODES**

The City of Knoxville has adopted by ordinance the ICC Residential Building Code as the ‘building code’ within the city. This code addresses existing buildings and states, in part, that “alterations repairs or rehabilitation work may be made to any existing structure, building....without requiring the building, structure.....to comply with all the requirements of the technical codes, provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical codes”. It is advantageous to both the homeowner (as a borrower) and the City of Knoxville (as a lender) that existing buildings not be required to meet all of the technical codes required for new construction but instead, meet the requirements as a safe, decent, and sanitary living unit as enforced by the City of Knoxville Codes Enforcement Department via the ICC Property Maintenance Code, and as required by HUD’s Section 8 Standards. Compliance with both of these standards shall be satisfied with the outline provided by these Neighborhood Housing Standards.

However, it shall be recognized that any *new construction* (i.e., replacement or infill housing), or any rehabilitation that causes a *change of occupancy classification* to an existing building, shall automatically trigger the requirement for building, electrical, plumbing, gas, and mechanical systems to be brought to the standards intended by the technical building codes recognized by the City of Knoxville for new construction.

Even in the cases where new construction or changes in classification occur (as referenced above), these Neighborhood Housing Standards shall be a guide for the rehabilitation specialist in determining minimal requirements, facilities, and fixtures that shall be furnished for each living unit. However, in cases where conformance with new building codes is required, any conflict between these Neighborhood Housing Standards and the currently adopted Building Code shall recognize the Building Code as taking precedence.

## **OBJECTIVES**

- I. To assist homeowners, landlords, and tenants in obtaining a safe, decent, and healthy home environment. This home environment shall be comfortable, affordable, easily maintained, relatively energy efficient, and appropriately sized (as defined in the “General Design Criteria” of this document, as well as the currently adopted version of the ICC Property Maintenance code.

A house with unsafe and unhealthy conditions is defined by the ICC Property Maintenance Code as follows:

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.
2. One that lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.

Such dwellings are subject to condemnation by Codes Enforcement as unfit for human habitation. When a building is so posted, design criteria shall include all the requirements for release of this condemnation.

- II. To assure that the rehabilitation of such buildings and the correction of such defects are done in a manner that will:
1. Provide structural integrity and adequate protection from further decay or deterioration.
  2. Have reasonable economy of maintenance.
  3. Be of good quality and workmanship.
  4. Provide cost effective energy efficiency.
  5. Eliminate identified lead-based paint hazards in pre-1978 housing.
  6. Provide accessibility features to occupants as needed.

- III. To provide for a more uniform application of departmental and program policies to all applicants.

## **SCOPE AND PRIORITIES:**

The rehabilitation specialist evaluates and records the before rehab condition of the premises during the initial inspection. This information is compiled and used in completing an initial inspection report and draft specifications and preliminary cost estimate. This must then be evaluated along with information provided by the financial specialist regarding eligible financing and modified to provide a final set of specifications which can meet the needs of the individual family within their

financial restraints while complying with our program requirements.

To provide a set of guidelines for this process, the following set of priorities is provided:

- Safety
- Health and Sanitation
- Code Requirements
- Program requirements
- Economy
- Maintenance
- Accessibility

All Community Development Department rehabilitation programs are intended to eliminate code deficiencies and unsafe conditions while considering the occupant's needs and the owner's long term plans for the building. It is important to understand the distinction between this objective and programs that provide for remodeling of housing to improve appearance or convenience. **Ours are rehabilitation programs, not remodeling programs.** While each deficiency may have several solutions, it shall be assured that all code and incipient violations are remedied before any general property improvements are addressed.

The possible repairs and improvements have been divided into three categories:

Code Violations & Program Requirements: (Program Requirements)

Code Violations & Program Requirements are considered deficiencies in the structure that are violations of the ICC Property Maintenance Code as adopted by the City of Knoxville, or the fire codes or zoning ordinances of the City of Knoxville. This category shall also include the requirements of MPC Infill Housing Committee, Historic Preservation Standards, and Energy Star Home Certification for new construction. This category also includes measures that provide for the special needs of the occupant such as accessibility modifications, as well as the Lead Based Paint Rules found in 24 CFR 35. At project completion, all major systems, regardless of whether that system is in violation of the code, must have a remaining useful life of at least five years. Major systems include structural support, roofing, cladding and weatherproofing (e.g. windows, doors, siding, and gutters), plumbing, electrical, and HVAC.

Incipient Violations: (Preventative)

Incipient Violations are defects that will further deteriorate and lead to subsequent code violations within a ***two-year*** period if not corrected (other than major systems that fall under Program Requirements). These items are ***recommended***, but may be left out of the contract to meet cost guidelines, or achieve affordability for the owners of the building. Incipient items may also include visitability features.

General Property Improvements: (GPI)

GPI are improvements that are not required by housing code, but would benefit the building by making it more livable, maintainable, safe, or secure. These include items that are customary for the area, not items which would be considered luxurious or excessive. Examples would be ceiling fans, fencing, utility or storage spaces (except as required on subsequent pages), additional outlets for electronics, and rearranging interior space to eliminate inefficient design. Garages, Washing Machines, Clothes Dryers, Spas, free standing microwaves and similar fixtures shall ***not*** be an eligible expense under rehabilitation.

The work specified must provide for the correction of all code violations. All incipient situations must be addressed before any general property improvements are funded. However, program guidelines do not require all incipient situations to be addressed if including them results in a project cost that is not affordable. Where the owner requests GPI's, they may be completed as part of the rehabilitation contract, but shall be funded by the owner when their cost exceeds the limitations of the loan program being utilized. The total amount of GPI's allowed in a project, regardless of funding source, is 10% of the code and incipient items. Items that are considered excessive for rehab programs are not eligible for funding and may not be included in rehab contracts. Also ineligible shall be any other item that is not a permanent, fixed part of the structure, such as a washer/dryer.

Rental Rehab Programs are intended to assist low/mod income families. General Property Improvements are allowed as above if the project will be monitored for affordable rents. Otherwise, they are not desirable or allowable if they increase rents to where they are unaffordable to low/mod tenants.

The chart in the appendix of this booklet illustrates the application of these categories to the limitations of our programs. Reference numbers correspond with designated sections of the work write-up and rehabilitation specifications and design standards.

## **PROGRAM AND CODE REQUIREMENTS**

Many funding sources are used by the Community Development Department to finance rehabilitation and new construction and each has its own requirements that are to be considered in planning projects and writing specifications. In addition, restrictions placed on all construction and repair by the City of Knoxville and the State of Tennessee must be considered in design, along with the financial feasibility of particular designs.

### **Building Codes:**

As implied in the Introduction, these guidelines are not intended to supersede the requirements of the Building Inspection Department of the City of Knoxville, but are expected to complement and clarify these requirements, assuring that the program is compatible with applicable codes. The rehabilitation specialist shall be familiar with the requirements of the building codes and to see that the project specifications do not conflict with these codes. We are required to correct all deficiencies with regard to the ICC Property Maintenance Code, and all new installations must comply with the currently adopted edition of the ICC Residential Building Code. All projects shall be completed by licensed contractors under permit issued by the City of Knoxville Building Inspections Department. A general contractor or a licensed home improvement contractor shall supervise each project under construction. Representatives of CD shall deal directly with these contractors; it shall be the contractor's responsibility to deal with their subcontractors and/or other workmen.

**Tennessee Historical Commission (THC):**

All projects shall be reviewed for their potential impact on the historically significant aspects of the community. All locations shall be evaluated for potential eligibility for inclusion on the National Register of Historic Places, or contributing to a historic district, or in a local historic overlay zone. When found to be a contributing building, the Historic Preservation Officer of the Metropolitan Planning Commission, pursuant to the programmatic agreement with the Tennessee Historic Commission (THC) shall review these projects before being put out to contractor bid. All requirements of the Secretary of Interior's Standards for Rehabilitation of Historic Properties shall be written into the specifications and all change orders affecting the appearance on eligible projects shall be reviewed by a THC representative for impact.

**Infill Housing Design Review Committees:**

All replacement home projects shall be submitted to the In-Fill Housing Design Review Committee for review, prior to the solicitation of bids. The committee will reference the Heart of Knoxville Design Guidelines as developed by the Knoxville-Knox County Metropolitan Planning Commission and make recommendations to ensure that the completed construction project is an asset to the community where the dwelling is to be built, and not a detriment.

**Section 504 Accessibility**

All projects must comply with Section 504 of the Rehabilitation Act of 1973 which states, in part, that "no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance...." When a project contains 15 or more units and the rehabilitation cost equals or exceeds 75 % of the replacement cost of the completed facility, or in the case of new construction, the project must comply with 24 CFR 8.22 requiring a minimum of 5% of the units or at least one unit shall be made accessible to persons with mobility disabilities and an additional 2% of the dwelling units or at least one unit, whichever is greater, shall be made accessible to persons with hearing or visual disabilities. Projects containing fewer than 15 units or projects with rehabilitation cost less than 75% of replacement cost must comply with 24CFR8.23(b) Under this section, alterations to dwelling units shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with disabilities. The phrase *to the maximum extent feasible* shall not be interpreted as requiring that a recipient make a dwelling unit, common area, facility or element thereof accessible if doing so would impose undue financial and administrative burdens on the operation of the multifamily housing project.

## **PROGRAM AND CODE REQUIREMENTS (continued from previous page)**

### **Energy Efficiency**

The proposed work must comply with HUD's Cost Effective Energy Conservation Standards. Basically, this requires a cost/payback analysis to justify all exceptions to normal policy. Further, all new construction (i.e., replacement housing) shall meet the requirements of the current version of Energy Star.

### **Lead Based Paint Regulations:**

All residential facilities (with few exceptions allowed per federal regulations) receiving federal HOME and/or CDBG monies for rehabilitation assistance shall be evaluated for the presence of lead-based paint, per 24 CFR 35 and the State of Tennessee Lead Program Rules.

## **GENERAL DESIGN CRITERIA**

Each existing house shall be brought to a minimum standard of compliance with the current ICC Maintenance Code and with HUD Section 8 housing quality standards and shall contain at least the following minimum facilities. Existing designs that do not comply with the following section shall be considered to be an incipient violation and shall be corrected before General Property Improvements (GPI) are addressed. Exceptions may be granted in cases where correction of existing designs would be harmful to the structure, or be excessively expensive in relation to the rest of the project; the Construction Management Supervisor shall approve these exceptions prior to the commencement of rehabilitation. They may remain unchanged providing that the building inspector does not require correction of the existing situation.

### **Space Requirements:**

As required by ICC Property Maintenance Code, each dwelling unit shall have a minimum square footage total habitable floor area based on the number of occupants. In most cases the table below may exceed the minimum code requirement.

Each unit shall provide the following minimum habitable spaces:

1. Living room and bedroom space
2. Kitchen, cooking and dining areas (not necessarily separate rooms)
3. Bathroom within the dwelling unit

The following tables indicate the minimum adequate room sizes and shall be used as a guide for subdividing existing space and for computing the minimum space for required additions.

<u>ROOM</u>	<u>1 BR</u>	<u>2 BR</u>	<u>3 BR</u>	<u>4 BR</u>	<u>LEAST DIMENSION</u>
LIVING ROOM	160 SF	160 SF	170 SF	180 SF	11'-0"
DINING ROOM	There is no requirement for a separate Dining Room Area				Not Applic.
BEDROOM (1ST)	120 SF	120 SF	120 SF	120 SF	9'-4"
BEDROOM Other	80 SF*	80 SF*	80 SF*	80 SF*	8'-0"
TOTAL BR AREA	120 SF	200 SF	280 SF	360 SF	8'-0"
OTHER HABITBLE ROOMS (Including Kitchens)	80 SF	80 SF	80 SF	80 SF	8'-0"

\* See "Minimum Bedroom Size" section below. For existing units, 70 square feet for a bedroom serving one person shall be acceptable; for new construction, 80 square feet minimum shall be provided for any single occupant bedroom. The 8'-0" minimum dimension shall apply to both existing and new construction applications.

Privacy and Arrangement of interior spaces:

1. All habitable rooms within a dwelling unit shall be accessible without passing through a public hallway, an exterior space, or a bathroom.
2. The only exit from a unit, or the only access to a bedroom or bathroom, shall not be through another bedroom or bath.

Minimum bedroom size:

Each bedroom intended for use by a single occupant shall have at a least 70 SF of floor area. Each bedroom occupied by more than one occupant shall have a minimum of 50 SF of floor area for each occupant (i.e.; 100 SF for two occupants, 150 SF for three occupants, etc).

Minimum hallway width: Thirty-six inches (36") is the minimum required hallway width for hallways within dwelling units. We shall consider existing situations for non-required egress hallways to require modification when the width is less than 30". Such situations shall be considered as incipient violations and shall be corrected to code minimums where funding is available. When the specified work does not include modification of hallways between 30" and 36", they may be accepted and remain as a pre-existing, non-conforming condition with approval of the Building Inspector.

Minimum railing heights:

The minimum height of guardrails on single-family residences is 36". Railings are required whenever a porch is 30" or more above the finished grade and on steps with more than 4 risers.

Consult applicable codes for railings on multifamily units and handrail heights on stairs.

Ceiling heights:

The minimum clear ceiling height for existing rooms to be considered habitable space shall be 7'-0". In rooms with a sloping ceiling, the 7'-0" ceiling height shall be required in only one-half of the room area; however, no section of the room measuring less than five feet from the finished floor to the finished ceiling shall be included in the computation of the minimum room area. A habitable room is a space for living, sleeping, eating, or cooking and does not include bathrooms, closets, halls, or storage/utility spaces.

**BATH FACILITIES:**

Size and Number of Bathrooms:

One bathroom shall be considered adequate for each household with four or fewer family members. An additional bathroom is recommended, but not required, for every 3 additional family members. Additional bathrooms beyond the minimum required, will be considered a GPI cost. When additional baths exist in a house, they shall all be brought into code compliance. When funding limitations require, and the number of occupants allows, the rehab specialist may require that extra baths be disconnected and their fixtures removed, to further reduce construction costs.

Each full bath shall include a bathtub or shower, a toilet, and a lavatory arranged in a convenient and accessible manner in a room with a minimum of 30 square feet of floor area. When residents of a home are disabled or confined to a wheel chair, the bath may be rearranged or relocated to provide adequate access for those individuals. Such modifications shall be considered an incipient repair.

**FACILITIES, SYSTEMS, AND EQUIPMENT:**

Sanitation Equipment:



Each dwelling shall have the following fixtures located within the dwelling unit in good working order:

- Kitchen Sink
- Lavatory
- Tub or Shower
- Water Closet (Toilet)

Each of these fixtures shall be connected to an approved drainage system that empties into the city sewer (septic tank/drain field systems, where existing, shall be abandoned). The kitchen sink, lavatory, and tub/shower shall be connected to a potable water supply system with hot (120 degrees minimum) and cold water supplied.

#### Electrical System:

For electrical systems, the specifications that follow meet or exceed the minimum requirements currently contained within ICC Property Maintenance Code.

Each dwelling shall have a code compliant electrical system of at least 100-amp service entrance capacity. Each habitable room (other than Kitchens) shall have at least two separate and remote 110V outlets plus an overhead light fixture controlled by a switch at the room entrance door. Each laundry room must have at least one 110V receptacle plus an overhead light. A switched receptacle may be substituted for an overhead light fixture in habitable rooms.

#### Kitchen Electrical Requirements:

Each kitchen shall have at least three separate and remote receptacles, and a wall or ceiling lighting outlet controlled by a wall switch shall be provided. All receptacles located in the Kitchen shall be GFCI protected as required by code. In addition, refrigerators, ranges, freezers, microwaves, washers, and dryers (as applicable) shall have separate, dedicated circuits.

#### Bathroom Electrical Requirements:

Each bathroom shall have at least one GFCI protected receptacle and one overhead or wall mounted light fixture controlled by a switch located adjacent to the entrance door. Switch and receptacle locations shall be at least three feet from the tub or shower. All bathroom receptacles shall be GFCI protected.

All bathrooms without an operable exterior window shall be equipped with an approved mechanical ventilating system, properly vented to the outdoors.

#### Kitchen Facilities and Appliances

Code compliant appliances for cooking and food preparation, as well as refrigerated storage shall be

required. These appliances may be provided by the occupant, but must be maintained in a clean, sanitary condition and be in good working order.

Food heating appliances shall consist of a cook surface and an oven, either electric or gas. Connections for a gas range shall consist of an inspected and approved gas connection and one 110V electrical outlet. Connections for an electric range shall consist of one 220V outlet for a freestanding range or separate electric service to each built-in unit as required by the appliance manufacturer and the City's adopted Electrical Code.

Refrigerated food storage and cooling shall consist of an electric refrigerator of minimum 14 cubic foot capacity capable of cooling and storing food at 40 degrees Fahrenheit, plus a compartment for freezing and maintaining food at 15 degrees Fahrenheit.

Kitchen Storage Space:

For one to four occupants, the required amount of cabinets to be provided shall be:

1. Wall cabinets or pantry shelving:
  - 8 lineal feet (face dimension) of overhead cabinets, including:
    - 12 square feet of shelving
    - 10 inch shelf depth
  
2. Base Cabinets and Counter Top
  - 8 lineal feet (face dimension) of base cabinets, including:
    - 5 square feet of drawer area
    - 40 cubic feet of storage in base cabinets (including drawers)
    - 16 square feet of counter top (including sink area)

The required storage and counter area shall be increased by ten percent (10%) for each additional bedroom in a dwelling unit beyond two bedrooms.

When replacing existing cabinets, the new cabinet layout should provide equal usable counter top and storage spaces as the previously existing permanent layout.

Garbage Facilities

Each rental dwelling unit shall have a temporary garbage storage facility, located outside the building, convenient to the kitchen exit, and accessible for trash collection. Metal or plastic trashcans with lids are acceptable providing they have a capacity of 60 gallons minimum for each dwelling unit.

Fire Code and Smoke Detectors:

Each unit shall comply with all applicable requirements of the ICC Property Maintenance Code.

Each residential unit shall have smoke detectors installed as follows: One smoke detector must be installed inside of each bedroom door. One smoke detector must be installed directly outside each separate sleeping area in the vicinity of bedrooms. All basements, cellars, crawl spaces, and attics

that contain mechanical equipment, shall also be equipped with a smoke detector. 110V permanently installed detectors are required for both rental and owner occupied units; all detectors shall be interconnected with battery backup. In all units with gas appliances, a Carbon Monoxide detector shall be installed. (Wi-Fi interconnected smoke detectors may be allowed by the Building Inspector in certain cases. When allowed, these units will satisfy the requirements of these standards).

There shall be one 5# 2A bc fire extinguisher installed in each rental unit. This fire extinguisher shall be located in the kitchen area, away from the range and accessible from the doorway.

#### Bath Accessories:

The following fixtures shall be considered an Incipient cost for all baths in rental units and owner occupied units.

<u>Fixture</u>	<u>Location</u> _____
Towel bars:	one 18" minimum
*Soap Dish:	one in bathtub or shower
Toilet Paper Holder:	next to water closet
Medicine cabinet:	above lavatory

\*soap dishes built into fixtures may substitute for wall mounted accessories

Bath walls and floors shall be easily maintained and impervious to water (no wood or carpeted flooring materials). All joints between floors, walls, and fixtures shall be maintained water tight and free of mold or cracks.

#### Laundry Facilities:

Space for laundry facilities (washer and dryer) with appropriate utility connections is preferred, and shall be installed where space permits. Where provided, it shall be in a location accessible for each unit, either within the dwelling unit or in the basement or separate utility room.

#### Utility and Storage Facilities

A small outdoor storage shelter may be provided as a General Property Improvement if installed on a permanent foundation. Existing damaged storage shelters shall be repaired or removed as a Code cost.

#### Fencing

Existing damaged fencing shall be repaired or removed as a Code cost. New fencing may be provided as a GPI cost.

### Closets and Interior Storage

Each bedroom shall have provided, a clothes closet, located within the bedroom or within a reasonable distance of the bedroom door, but not within a bathroom or kitchen. Each closet shall have a minimum shelf and rod length of 2 linear feet per room occupant with 3 linear feet being the minimum size.

When redesigning interior space or when adding on space, in addition to bedroom closet space, general storage space of 100 cubic feet should be provided, either within the unit or as lockable space accessible by the occupant. Unused habitable rooms may fulfill this requirement. Dry storage in basement or storage within an attic that is accessible by stairs and on a raised wood floor area may substitute for this requirement.

### LIGHT AND VENTILATION

#### Habitable Spaces:

Each habitable room shall have at least one window facing directly outside with a minimum size equal to 8% of the room's floor area.

At least 45% of the required window must be openable except when the unit is equipped with a central heat and air-conditioning system. EXCEPTION: As per the ICC Property Maintenance Code, two adjacent rooms may be considered as one, when one half of the area of the common wall is open and unobstructed and provides an opening of not less than 1/8th of the floor area of the interior room or 25 sq. ft., whichever is greater.

In addition, all bedrooms shall have at least one window that meets the egress requirements of the ICC Property Maintenance Code, Section [F] 702.4. Where the bedroom has a door opening directly to the exterior of the building, egress sizing of windows may be relaxed. Bathrooms must meet the ventilation requirements of habitable rooms except that a mechanical ventilating system discharging to the exterior of the building may be substituted as allowed by code.

All public corridors must have natural ventilation or mechanical ventilation units except where exit doors open directly to the exterior.

#### Habitation of basement areas:

No basement or cellar space shall be converted to habitable space unless, in its existing condition, the walls and floors are clearly impervious to leakage and insulated for dampness, and the required minimum window area is provided and can be located within code and entirely above grade. Existing basement areas may remain as-is when within code, but any time that a contract calls for

foundation repair and the house has a portion of the basement with standing headroom, it shall be stated in the work write-up that it is not intended to create habitable or dry storage space in this area, so that there is no question regarding a water or moisture warranty from the contractor. Such circumstances also require a statement as to the responsibility for damage to the finishes in these areas resulting from work specified for adjacent habitable areas.

#### Utility Spaces

In laundry, utility, and non-habitable rooms containing heat-producing appliances, exhaust air shall be vented to the exterior of the building and this air shall not be re-circulated within habitable rooms, or attic/basement/crawl space areas.

Gas dryers, water heaters, and furnaces shall be provided combustion air and return air as required by the Mechanical Code and recommended by the manufacturer.

#### Ventilation of Structural Spaces

All building spaces such as attics and crawl spaces must be provided with natural ventilation by the installation of appropriate vents sized to prevent the accumulation of excess moisture or condensation. Changes in design, such as the installation of additional insulation may require additional ventilation so as to bring the spaces within the recommendations below (all areas are net open vent area in square feet):

- a.) Crawl Spaces: Where wood floor systems are used, ventilation openings shall have a net square foot area of not less than one square foot per 150 square feet of crawl space; where operable vents are used, an approved vapor barrier shall be installed over the entire ground surface when less than 5' of clearance exists. Crawl spaces exceeding 5' in height do not require vapor barrier installation.
- b.) Attics: For gabled or hipped roofs, ventilation shall be provided to furnish cross ventilation of each separate attic space with weather-protected vents. The ratio of total net free ventilating area of the ceiling shall be not less than one square foot per 150 square feet of ceiling (1/150). That ratio may be reduced to 1/300 provided that at least fifty-percent of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated (at least 3 feet above eave or cornice vents) with the balance of the required ventilation provided by eave or cornice vents.

In addition, all attic and crawl spaces shall have access doors as required for the purpose of maintenance and inspection. All vents must be screened to prevent the entrance of birds, insects, and rodents. The addition of screen fabric to existing vents may reduce the net open area and must be accounted for in computing the needed ventilation.

The installation of additional insulation shall require additional ventilation and vapor barriers to prevent damage to building components by condensation or moisture. The insulation of enclosed structural spaces and in crawl spaces with less than 14 inches clearance between the ground and the bottom of floor joists is not recommended.

## INSULATION

All accessible structural spaces around habitable space shall be insulated to the following R-factors:

Attic:	R-38
Floors:	R-19
Walls (2x4):	R-13

All heating ducts, including return air ducts, which are exposed to unheated air spaces shall be insulated to R-4.

All water supply lines that are exposed to unheated air and all within partially open wall cavities and all within exterior walls shall be insulated to R-2 when accessible during construction.

Existing exterior frame walls in homes shall not have insulation applied to them unless the existing wall coverings on at least one side are to be removed to the framing members during the normal course of the rehabilitation work. Removing of wall coverings, installing insulation, and re-applying wall covering where not needed in the normal course of the rehab work shall be a General Property Improvement item, as the expense of this cannot be appropriately justified.

## HEATING

Each unit shall have a code approved permanent heating system that will maintain a relatively uniform temperature within all habitable rooms and baths of 68 degrees Fahrenheit. Portable electric and kerosene heaters are not considered adequate. Unvented open-flame or fuel burning heaters shall not be permitted. All existing mechanical units to remain must have a life expectancy of 5 years.

### Energy Efficiency

The proposed work must comply with HUD's Cost Effective Energy Conservation Standards. Basically, this requires a cost/payback analysis to justify all exceptions to normal policy. Further, all new construction (i.e., replacement housing) shall meet the requirements of the current version of Energy Star Homes.

### Standard procedures for determining appropriate heating repairs:

In reference to previous editions of these Neighborhood Housing Standards, there was considerable debate as to what type of system could replace which existing systems, and under which circumstances such a replacement was cost-effective. The City of Knoxville Community Development Department program has evolved policy to the stage that this has become somewhat a moot point, especially as the inclusion of air conditioning within a living unit is now considered an *incipient violation*. Thus, the following policy shall apply to heating systems:

- a.) If the existing primary heating system is a wood or coal burning system, or if the structure is heated via portable heating (kerosene/electric/gas/solid fuel), the system shall be replaced with a central heating and air conditioning system. The property owner shall have the final choice between gas and electric units, assuming gas service is available at the property. The Rehab Specialist shall determine which type of unit will work best for the structure, split unit or package unit.
- b.) If the existing primary heating system is a central gas or electric system that has duct work supplied to all living areas, *and if that unit is of an age and in such condition that it can reasonably be expected to remain serviceable for the next 5 years*, the unit shall not be replaced as a code or incipient violation. According to ASHRAE, the life expectancy of a Heat Pump is 15 years and that of a Gas Furnace is 18 years. Components to add air conditioning capability to the existing heating system (adding condensate lines and condenser equipment) may be added to an existing system as an incipient expense.
- c.) If an existing heating system is incompatible with the addition of air conditioning capabilities, the entire system may then be replaced as an incipient expense.

## **MAINTENANCE STANDARDS**

### **Existing Building Conditions**

The components of existing buildings shall be maintained in good condition and shall be free from and protected against decay and deterioration. All structural components shall be capable of supporting all loads to which they are subject and shall not be sagging or leaning excessively.

All structural systems and components of the building shall be maintained in a sound and serviceable condition, and shall be reasonably expected to remain so for the useful life of the building. Work specified by our programs may attempt to restore sagging floors and roofs and bulging or out-of-alignment walls and foundations to as near to the original contours as practical. However, we cannot always level floors and walls since the stresses that caused these defects were applied progressively over a long period of time. The jacking and bending needed to correct these situations frequently creates new, more concentrated stress which often does more damage than good to the building, revealing itself in cracked plaster and rubbing doors or even the separation of structural members such as walls and floors.

All deteriorated structural members shall be replaced. Full replacement of systems is not always necessary and may not be financially or technically feasible; therefore, bracing, removal or redesigning of portions of the building may be necessary to effectively repair the system. Rehabilitation shall include improvements to the existing design (where feasible), stabilization of existing conditions to prevent further deterioration, and adequate repairs so as to minimize the chance of reoccurrence of a problem.

### **Foundations:**

1. Must be capable of supporting building loads with no signs of stress, such as cracks and bowing.
2. Mortar must be sound and not eroded.
3. Must be rodent and termite proof.

Skirting must be installed appropriately on a base of sound design, and shall be of material intended by the manufacturer for this purpose.

#### Chimneys:

1. Shall be structurally sound with tight mortar, not leaning.
2. Shall be flashed or sealed properly at the roof and walls.
3. All holes in the chimney in the attic or structural space shall be sealed.
4. Unused chimneys shall be removed in conjunction with reroofing if their cost of repair exceeds the cost of removal. (Unless forbidden by Tennessee Historical Commission program requirements)
5. We do not repair chimney liners or rebuild fireplaces except where required by the Tennessee Historic Commission, or where roof repairs necessitate chimney repair.

#### Exterior Walls:

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions that might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in good repair.

#### Roofs:

All roofs shall be maintained in a water repellant condition. Work performed under Community Development Department programs shall not allow for applying new shingles over existing shingles. Existing roofs shall be reasonably expected to remain serviceable for the next five years.



## WINDOWS AND DOORS:

### Windows:

All windows shall be maintained in the following condition as required:

- Weathertight,
- Glazing compound / seals secure and free of loose or deteriorated areas,
- Glass shall be intact and free of cracks,
- If operable (includes appropriate counterbalance system and locks),
- Screens required on all openable windows,
- Safety glass must be maintained where required by code.

When two or more windows are located in one room and some of them cannot be returned to a workable condition, the following exception may be applied with approval of the Rehab Supervisor: All but one may be sealed in a fixed position or removed in lieu of repair providing the following conditions are met:

1. The remaining window will provide the required ventilation and egress minimums.
2. All hardware must be removed from the sealed windows so as to identify them as sealed units.
3. The storm window must provide for removal of sashes from the outside for cleaning.

### Required Window Sizes:

Window sizes must satisfy the light and ventilation requirements of the Property Maintenance Code.

### Bedroom window sizes:

Each bedroom shall have an outside window or door operable from the inside without the use of tools, keys, or special effort. In Bedrooms where no door direct to the exterior exists, the Dept. standard is to provide at least one egress window in each Bedroom, providing a clear opening of not less than twenty inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches above the floor.

In cases where the above referenced Bedroom egress window conditions do not exist, the owner may have the option of leaving the existing window configuration as long as it meets the requirements of the Property Maintenance Code. If the owner chooses to alter the window configuration to meet the above referenced Dept. standard Bedroom window sizes, the cost of such alteration shall be considered an Incipient expense.

Window Hardware:

All operable windows shall have the following hardware in good condition and installed as intended by the manufacturer:

- Sash lock that shall secure the window in a closed position, but may be operated from the inside without special tools or devices.
- A counter balance or latching mechanism that will secure the window in an open or partially open position.

All windows shall be kept in good repair, free of peeling paint and weathertight. When the cost of repair exceeds 75% of the cost of replacement of a window system, replacement is in order. Windows are extremely visible and have significant impact on the architectural character of a building, especially historically significant ones, and should be replaced with ones which are of similar size and appearance if at all possible. The Tennessee Historical Commission must approve all window modifications and replacements on contributing projects.

Doors:

Existing exterior doors that are to be replaced may remain existing sizes, providing the jamb is to remain in place. When re-framing or replacement of jamb or relocation of the door opening is required, the following minimum door sizes shall be required:

1. Bedroom: 2'-6" X 6'-8"
2. Baths: 2'-0" X 6'-8 (2'-4" preferred)
3. Closets: 2'-0" X 6'-8"
4. Linen Closets: no minimum
5. Exterior Doors: 2'-8" X 6'-8"

Doorways may be widened as a code cost item if needed for accessibility purposes.

All exterior egress doors shall open without a key from the inside (including security doors).

Safety glazing shall be installed where required by code.

All rental units shall receive solid core or steel exterior units on dwelling unit entrance doors to comply with Section 8 Rental Standards.

Door Hardware:

All doors shall have installed in good working order: a working door knob assembly, a minimum of two hinges (three hinge minimum on exterior doors), a solid jamb assembly with door stops, and shall be in good repair, free of cracks and warping. Doors shall not drag on floor coverings and shall not stick or rub. In addition, exterior doors (defined as any door between heated and non-heated spaces) shall have weather-stripping, a weather-stripped threshold, a passage or keyed door knob assembly, and a deadbolt lock. Security peep sites are allowed if requested by the owner and may be counted as an incipient cost.

Storm and Screen Doors:

Screen doors and storm doors are not required by the Housing Code, particularly with the treatment of air conditioning (and heating) as a code violation. Existing storm doors may be repaired if the repair is minor, but if replacement is required it will be considered a General Property Improvement unless there is a clear need for protection of the prime door, in which case it would be considered a Code cost.

Security Doors:

Security doors are not required by the Housing Code. Existing security doors may be repaired if the repair is minor, but if replacement is required or if the owner requests a new security door for safety, it will be considered an incipient cost.

**PAINTING AND CEILING & WALL FINISHES:**

Code requires that all exterior wood surfaces be protected from the weather by painting or other protective covering. We further require that all interior surfaces be so protected and that such coverings be maintained in a cleanable condition and be free from paint which is loose, chalking, cracked, chipped, peeling, or scaling. Walls and ceilings shall be maintained in a condition that is free from defective plaster and wallpaper. Also, refer to the Lead Based Paint Section below in regard to the presence and treatment of affected surfaces.

Lead Paint Abatement:

All residential facilities (with few exceptions allowed per federal regulations) receiving federal HOME and/or CDBG monies for rehabilitation assistance shall be evaluated for the presence of lead-based paint. A very basic guideline of these requirements follows; however, the complete applicability of this federal law can be found at 24 CFR 35.

Federal regulations require the elimination of lead based paint hazards and require us to take the following steps toward abatement.

1. The use of lead based paint is prohibited.
2. Occupants and property owners are required to be notified of the hazards of lead based paint.
3. Inspection is required of all buildings constructed prior to 1978. Painted surfaces that will be disturbed or replaced shall be tested for lead paint and treated if found to contain lead, or the surfaces may be treated without testing (with assumption of lead-based paint being present). Defective paint conditions must be corrected on all interior and exterior surfaces, as well as surrounding soil conditions.
4. The risk assessor must certify that inspections and tests are in compliance with the requirements and records must be kept indefinitely. A copy of the findings of the inspections, as well as recommended treatments, shall be furnished to the

property owner (and tenants, if a rental unit).

5. Tenants/homeowners shall be protected from the hazards of the abatement procedures. Generally, this will take place in the form of temporary relocation while rehabilitation work is performed.
6. On historically contributing properties, treatment must be performed consistent with the Secretary of the Interior's standards.
7. Disposal of paint must comply with Federal, State, and local requirements.

### **SIDING:**

Code requires that exterior siding shall be maintained in such a condition as to be free from holes, breaks or deterioration. It must be intended by the manufacturer for use as exterior siding, and must be installed in accordance with the manufacturer's recommendations. It must be kept in such a condition that it will prevent the entrance of water or moisture into the interior wall surfaces and to within the structure of the wall.

In cases where it has deteriorated to a point where it cannot be restored to a sound condition, it shall be replaced or covered over with an appropriate substitute. Often a building will have more than one style of siding on its exterior; when incompatible styles of siding exists in a random pattern the removal and installation of a single, easily maintainable style may be considered the correction of an incipient code violation.

In cases where a building is considered to be contributing by the Tennessee Historical Commission, the replacement or repair of siding must comply with the Secretary of the Interior's standards.

### **FLOORS:**

All interior floors shall be maintained in a clean and sanitary condition. The finished surface must be free of defects such as tears or uneven or weak sections. Bathrooms, laundry rooms, and kitchens shall have a hard surfaced, water resistant flooring that can be mopped and cleaned. The perimeter of all vinyl flooring shall be caulked to prevent water from penetrating the wear surface. All penetrations of the floors shall be caulked. Carpeted floors shall be laid over a surface that is even and is free from cracks or holes which might allow the entrance of insects or rodents, or which may cause tripping.

Carpet that is free of defects but visibly worn / soiled and at the end of its useful life, it may be replaced. Replacement of such carpet is to be considered an incipient cost. Existing laminate flooring in good repair may remain in place. New installations of laminate flooring are strictly prohibited.

### **REPLACEMENT HOUSE (RECONSTRUCTION) POLICY:**

In the early 1990's, the federal government instituted a policy that allowed for funding of the

demolition and reconstruction of owner-occupied housing when it can be demonstrated that the reconstruction is the most economically feasible solution (that is, the cost of rehabilitation repairs exceeded the reasonable cost of building a new structure). In accordance with this policy, the City of Knoxville Community Development Department has instituted guidelines that shall be considered in determining the feasibility of rehabilitation, as well as the appropriateness and extent of reconstruction, if justified.

It shall be a matter of departmental policy that reconstruction of housing shall be limited to owner-occupied housing programs. The Rental Rehabilitation program offered by the Community Development Department does not offer a reconstruction option.

The replacement house provided shall not be required to be of equal size or design as the home it is replacing. Often, the replacement house is smaller in gross square footage or number of rooms provided. The City of Knoxville has standard designs for two, three and four bedroom homes that have been designed for function and affordability, and are generally used for the construction of replacement housing. One bedroom designs are prohibited. The City of Knoxville shall not provide 'custom' design services for program participants. If an applicant wishes to submit a comparably priced house beyond the standard designs provided by the City, that client shall be responsible for acquiring and compensating a private design professional, and furnishing finished plans (including floor plan, foundation plan, wall section and elevations) to the Community Development Department for review and approval. Final approval of 'custom' designs shall be determined solely by the Community Development Department, who shall reserve the right to decline financing assistance on any plan. If the applicant acquires additional funds from private resources, 'custom' designs that exceed the program requirements shall be reviewed on a case-by-case basis.

The Community Development Department periodically does a historical research on the pricing of replacement housing, both from national estimating resources and actual bids received on other comparably priced projects. Currently, the following overall guidelines apply to the size and construction of replacement housing in relation to program affordability:

- a.) the maximum size of a two bedroom house shall be limited to 950 gross square feet of living area;
- b.) the maximum size of a three bedroom house shall be limited to 1,100 gross square feet of living area;
- c.) the maximum size of a four bedroom house shall be limited to 1,300 gross square feet of living area;
- d.) replacement housing to be constructed in a historically sensitive area (as determined by the Tennessee Historical Commission or local overlays) shall be analyzed for cost vs. size on a case-by-case basis, and;
- e.) two bedroom homes shall be provided with one full bathroom, three bedroom homes shall be provided with up to 1-1/2 bathrooms, and four bedroom homes shall be provided with up to 2 full bathrooms depending on occupancy need and affordability.

#### General Property Improvements in Reconstruction

In general, the 'standard' plans have taken the provisions of the Neighborhood Housing Standards

into account when they were designed. Especially in cases where houses need to be ‘customized’ to meet a need (lot size, setbacks, etc), but also applicable to ‘standard plans’, the following items shall be considered GPI’s:

- a.) Square footage in excess of the guidelines given for housing units above, unless it is clearly demonstrated that the house design cannot meet minimum criteria within those square footages; as previously mentioned, all custom designs shall be reviewed by the Construction Management Supervisor prior to turning in an estimate to the financial analyst,
- b.) More bathroom than the maximums listed above.
- c.) More bedrooms than necessary to meet the code requirements for the family size (subject to review for multiple, unmarried adults occupying a structure, and any physician documented medical needs of the occupants);
- d.) Cabinetry in excess of the amounts given in the Neighborhood Housing Standards or the current ‘standard plans’ (whichever is more),
- e.) Excessive porch or decks beyond the limits currently employed within our standard plans (or their deviations; i.e., a full front porch ‘standard’ version).
- f.) In general, any non-code item fitting the description of a GPI as defined in the Neighborhood Housing Standards.

Of course, in the event of private financing, the scope of GPI’s beyond the normal 5% is allowable up to a total of 10% from all funding sources.

If General Property Improvement items can be identified in the design phase, it is certainly preferable to include these items within the bid package distributed at walk-through.

#### Accessibility / Visitability

‘Visitability’ is a term adopted by HUD to describe making an otherwise standard house accessible presently (or in the future) to a physically challenged individual. This would include larger (3’-0” wide) doors on all rooms, turning radii in bathrooms, exterior ramps (where practical and allowable by terrain), grab bars, and similar items to allow a physically disabled person to access and ‘visit’ the house, or allow a physically disabled person to occupy the house in the future.

All new construction shall be made visitable as defined by the Easy Living Homes program. Any project deemed to be not held to this visitability standard, must be approved by the Housing Manager.

Generally, in a household that has no current code-related need for the physically disabled features mentioned above, the desire to make the house meet these ‘visitability/accessibility’ features shall be the decision of the homeowner, and these features would be an incipient cost.

SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a2.0 Extermination and Pest Control	<p>Exterminate for termites, powder post beetles, rodents, or similar pests where evidence is apparent.</p> <p>Installation of screen fabric or other rodent proofing devices to prevent rodents from entering building.</p>	<p>Exterminate for termites, powder post beetles, rodents, or similar pests where evidence is not apparent.</p> <p>Installation of wire or enclosing overhangs to prevent roosting of pigeons or other damaging birds.</p> <p>One time renewal of annual contract for a house with an existing pest control contract.</p>	
a5.0 – a10.0 CONTOURING AND DRAINAGE	<p>All modification of yard or pavement contours that is intended to prevent ground water from draining through a foundation, into (or ponding around) the building, or causing erosion under or around a foundation, footing or slab on grade.</p> <p>All grading modifications that are intended to prevent a change in ground water flow onto neighboring properties, whether existing, or as a result of building construction, additions or changes.</p> <p>Changing the contours of a yard to prevent seepage of water into a crawl space or basement where no structural damage or threat is present.</p>	-	<p>Changes in contour to provide a level, accessible space for recreation.</p> <p>Changing the contour of a yard or terracing of a steep bank to make it more easily maintained.</p> <p>Completing an already started construction (i.e., retaining wall) or landscaping project which is not required for program compliance.</p>

SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a11.0 – 12.1 REMOVAL OF TREES OR SHRUBS AND BRUSH	<p>Removal of trees or limbs that are growing next to or through a foundation or pavement, causing excessive heaving or cracking.</p> <p>Removal of tree limbs which drag on (or are within six feet of) a roof or siding, causing damage to shingles, siding or fascia.</p> <p>Removal of diseased, dead, or girdled limbs or trees that are structurally unsound and which pose an immediate danger to the structure and/or persons.</p>	<p>Removal of live limbs or the topping of trees to reduce the danger of limbs falling on a structure or power line.</p> <p>Removal of trees or brush from a portion of a lot at the request of codes enforcement or owner.</p> <p>Removal of brush that encourages the breeding of vermin or impedes air circulation contributing to moisture accumulation in the structure.</p> <p>Removal of trees or limbs that contribute to significant accumulation of leaves in gutter or roof valleys.</p>	<p>Removal of trees for aesthetic reasons.</p> <p>Removal of limbs that do not pose a threat to the structure (common tree trimming).</p>
a13.0 GRASS	<p>Reseeding of ground disturbed by construction work; i.e., excavation for plumbing lines, re-contouring, or excavation of foundations.</p>	<p>Preparation and seeding of grass where it is necessary to prevent further erosion.</p>	<p>Re-seeding of lawn with a more desirable or disease-resistant variety.</p> <p>Any sod placements.</p>
a14.0 – 16.0 SIDEWALKS AND STEPS	<p>Repair of a broken or bowed exterior sidewalk or steps to eliminate a dangerous situation.</p> <p>Replacement or installation of a sidewalk necessary to travel from the street or driveway to the nearest door of a building.</p> <p>Replacement of a broken, collapsed, or weak steps, or where riser heights exceed those allowed by code.</p>	<p>Replacement of a broken sidewalk that has no loose or moving pieces.</p> <p>Replacement of a set of steps or sidewalk to eliminate a set of steps with uneven riser or tread (unless dictated by the Building Inspector).</p> <p>Replacement of the primary sidewalk to a required exit because it is too narrow (24" or less).</p>	<p>Installation of new sidewalks/steps for aesthetic reasons or convenience.</p>
SPECIFICATION	PROGRAM	PREVENTATIVE	GENERAL PROPERTY



REFERENCE NUMBER/NAME	REQUIREMENT (CODE)	(INCIPIENT)	IMPROVEMENT (GPI)
a14.0 – 16.0 SIDEWALKS AND STEPS (CONTINUED)	Installation of a wider than standard sidewalk and/or construction of a ramp at homes where a wheelchair is in use by a current occupant.	Repair of a broken, bowed, or uneven sidewalk that does not present an imminent danger.	
a17.0 – a17.1 DRIVEWAYS	Installation of a driveway or parking surfaces where required by code for off-street parking (note: this is a city ordinance and applicable city-wide).	Replacement of a driveway that is breaking up or holding storm water, or heaved due to root growth or erosion.  Use of materials above what is required by City ordinance.	
a18.0 – 23.0 DEMOLITION	Demolition necessary to access building components to complete required work.  Demolition of dilapidated portions of a building that are not required to provide the minimum habitable space for the existing permanent building occupants, and where the cost of rehabbing that portion of the building exceeds feasibility guidelines.  Demolition of condemnable accessory structures on the same property.  Demolition of primary structures where replacement housing is to take place.	Demolition of walls, wall and ceiling coverings, etc. to restore a substandard attic or basement to utility use.	Demolition intended to produce a major design change or change in use.  Removal of plaster and lath where not needed to obtain a smooth wall or ceiling finish.  Removal of wall or ceiling coverings solely to install cavity insulation.
SPECIFICATION REFERENCE	PROGRAM REQUIREMENT	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)

NUMBER/NAME	(CODE)		
<p>a24.0 ROOM ADDITIONS</p> <p>(Includes new space allocation, revised floor plan, or reuse of interior spaces)</p>	<p>To provide sufficient sleeping or living space for existing permanent occupants of a dwelling unit as required by Property Maintenance Code</p> <p>To provide accessible bathroom for permanent occupant of building requiring such facilities.</p>	<p>To provide an accessible bathroom for 'visitability' purposes, as defined in these Neighborhood Housing Standards.</p> <p>To provide room for expected new family members where their occupancy is certain (i.e., pregnant mother residing in a one bedroom home).</p>	<p>Family rooms, dens, studies, and other rooms not required by code for the occupancy of the building.</p>
<p>a25.0 – 26.0 FOUNDATIONS</p>	<p>Replacement of bowed, leaning, cracked or missing portions of building foundation.</p> <p>Additional sections of foundation to fill in between piers where additional support beyond the piers is necessary.</p> <p>Repair or closing of openings in a foundation.</p>	<p>To replace weak portions of a foundation which are not bowed or sagging.</p> <p>Additional sections of foundation to fill in between piers supporting a building in cases where existing piers are providing adequate support.</p>	<p>For GPI room additions.</p>
<p>a27.0 CONCRETE PORCH</p>	<p>To replace a deteriorated concrete porch.</p> <p>Installation of a deck (3'x3' slab) to provide a code required landing outside an entrance door.</p>	<p>To replace a deteriorated wooden porch which needs replacement where the owner is not capable of continued maintenance.</p> <p>Replacement of a wood porch where the design requires too frequent maintenance or replacement, such as a porch too close to the ground. This may be done where it does not conflict with Historic concerns.</p>	<p>To replace a sound porch.</p> <p>To enlarge an existing porch.</p>
<p>SPECIFICATION REFERENCE NUMBER/NAME</p>	<p>PROGRAM REQUIREMENT (CODE)</p>	<p>PREVENTATIVE (INCIPIENT)</p>	<p>GENERAL PROPERTY IMPROVEMENT (GPI)</p>

a28.0 RETAINING WALLS	<p>To support an endangered foundation.</p> <p>Where failure has already occurred and where that failure threatens a structure or safety.</p> <p>To replace a broken existing wall that supports a portion of the yard in cases where failure will risk structure, adjacent property or public safety.</p>		Constructing walls primarily for landscaping purposes (i.e., terracing of banks not threatening the structure).
a31.0 CONCRETE APRON	To prevent storm water intrusion which will seriously damage building systems.	To reduce erosion along drip eaves in lieu of gutters.	
a31.3 CONCRETE SLAB	<p>To provide a floor for a room where proximity to the ground has caused constant maintenance and/or too frequent replacement of flooring (and is now in need of repair/replacement).</p> <p>As a base for mechanical equipment.</p>	As an entry stoop.	<p>To provide additional storage in the basement or crawl space.</p> <p>To add or increase the size of a porch beyond what is required by code.</p> <p>As a patio.</p>
a37.0 – 41.1 CHIMNEYS AND FIREPLACES	<p>Removal of existing chimneys or blocking of existing fireplaces to prevent their use where unsafe, or to prevent heat loss.</p> <p>Repair of chimneys above the roof (both used and unused chimneys).</p>	<p>To repair mortar erosion in the early stages of deterioration.</p> <p>Repair or removal of a chimney that is deteriorated to the point that it will soon be a health hazard or danger.</p>	<p>Adding chimneys for fireplaces.</p> <p>Chimney cleaning services for an operable fireplace.</p>
SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a37.0 – 41.0	Repair of chimneys	Repair or replacement of	

CHIMNEYS AND FIREPLACES (continued)	below the roof where they present an immediate health or fire hazard.  Repair as required by the Tennessee Historical Commission (THC).	fireplaces and mantels to produce a completed project: attaching loose parts, etc. These repairs are to be limited to minor repairs, not installation or rebuilding of fireplaces. Fireplaces are inefficient heat sources and we do not deal with their repair for reuse. Sealing of chimneys and fireboxes is the preferred alternative.	
a42.0 –53.0, 54.0-62.0 STAIRS AND RAILINGS	Wheelchair ramps where occupancy is intended for the disabled.  To provide stairs or rails for code compliance.  Replacement of stairs to bring risers and tread width and/or depth to uniform height.	To provide railings to assist individuals with mobility difficulty where they are not technically disabled, or in cases where future disabilities are a predictable result of a diagnosed disease.  Use of vinyl or metal railing materials in lieu of wood.	Decorative railings where not necessary to correct a code violation.
a63.0 – 72.0 ROOFING	To remedy an active leak condition.  To complete a partially completed roof project.  To replace roofs where the life expectancy is less than 5 years.	To replace or repair worn roofing or roofing which has more than a 5 year life expectancy, but less than 10 years.  To remove roofing in good condition when installed over three or more layers of previous roofing.	To change style, color, and/or material.  To remove roofing in good condition which has been installed over less than three layers of previous roofing materials.
SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a73.0 AWNINGS	To provide protection	To protect an exposed	For shade or aesthetic

	for a landing or exterior stair from snow or ice accumulation when that landing or stair is the primary entrance (and/or required egress). This applies to both rental and owner occupied units.	wooden door.  To replace existing dilapidated awnings.	reasons.
a74 – 78.1 ATTIC VENTILATION	To bring ventilation into code requirements of the residential building code.		Changing style of vents for aesthetic reasons.
a79.0 – 82.0 GUTTERING	Gutters shall be required on all residential structures unless other design considerations adequately protect the structure.  PVC extension piping to prevent endangering foundation and/or to prevent directing water onto neighboring property.	Installation of gutter leaf guards.	Changing of gutters for aesthetic reasons.

SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a83.0 – 90.0 SIDING AND SOFFIT	<p>To replace existing deteriorated siding and/or soffit.</p> <p>Installing vinyl siding where replacement cost for wood plus paint exceeds 80% of vinyl siding.</p>	<p>To protect the house where no overhang exists.</p> <p>The cost of siding replacement plus paint exceeds 50% of the cost of installation of siding and/or soffit.</p> <p>Asphalt siding is deteriorated over more than 10% of the surface and appropriate replacement material is no longer available (antiquated siding installations).</p> <p>Where solid appearing siding has been exposed too long or shows inability to hold paint.</p> <p>Where existing siding is so mixed in style or color as to be unsightly, or is installed in ways not intended by the manufacturer.</p> <p>Where it is recommended by the Rehab Specialist (and approved by the Construction Manager) because owner has a physical inability to maintain siding.</p>	<p>The installation of siding and/or soffit not covered as code or incipient.</p> <p>To reduce maintenance of siding as a convenience to the property owner.</p>

SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a91.0 – 133.0 CARPENTRY	<p>To replace deteriorated wood components.</p> <p>To correct structural damage and/or code deficient situations.</p> <p>To correct poor design or function of wood assemblies.</p> <p>To replace missing portions of a building.</p> <p>To meet compliance with Tennessee Historic Commission guidelines.</p> <p>To add building components or facilities as required under specific program guidelines.</p>	To correct situations where untreated wood has been used in locations conducive to decay (cases where decay is minimal or not yet present).	Decorative carpentry.
a135.0 – 147.0 FLOORS AND FLOOR COVERINGS	<p>To provide structural safety.</p> <p>To provide vinyl or other water resistant floor covering in all Kitchens, Bathrooms and Laundries.</p> <p>To replace severely worn or torn floor coverings.</p> <p>When required for the repair of sub-floor or structural repairs below or when required when</p>	<p>Carpet and pad when a floor is solid but too rough for paint or vinyl and this is the lower cost option.</p> <p>To replace worn, but not torn, floor coverings.</p> <p>Professional carpet cleaning.</p> <p>Refinishing of hardwood floors with a worn finish.</p>	<p>Replacement for aesthetic reasons.</p> <p>The additional cost of flooring materials above that required (increase in quality above materials allowed by General Specifications).</p> <p>Refinishing of hardwood floors without a worn finish.</p>

	<p>rearranging the floor plan or fixture locations.</p> <p>Replacement of unworn carpet with documented medical condition or mobility issues.</p>		
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SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
<p>a148.0 – 157.0 WALLS AND CEILINGS</p> <p>(Replacement)</p>	<p>Enclosure of Lead Based Paint where required by HUD regulations.</p> <p>To eliminate cracked, falling, moldy, or water softened surfaces.</p> <p>To complete unfinished sections of walls and/or ceilings in spaces required to meet the intent of these standards.</p> <p>To provide a level and solid surface for the application of tub tile.</p> <p>At applications where a fire resistance rating is required by code.</p>	<p>To eliminate worn paneling that is beyond reasonable repair, and cannot be matched.</p> <p>To eliminate wallpaper that is loose or soiled and cannot be cleaned.</p> <p>To eliminate paneling that is known to produce toxic fumes when burned or which does not comply with current fire and building codes.</p> <p>When the existing surface is so fragile that the repair processes will likely cause weakening or deterioration of adjacent surfaces (i.e., when the condition of plaster can not be reasonably determined and where there are indicators of stress in other areas).</p>	<p>To replace acceptable and/or repairable surfaces.</p> <p>To complete unfinished sections of walls and/or ceilings in spaces not required to meet the intent of these standards. (i.e., extra bathrooms, etc.)</p>
<p>a158.0 – 178.1 WINDOWS</p>	<p>To correct broken or deteriorated conditions, i.e., when windows do not open, or glass is broken.</p> <p>To obtain energy efficient window glazing, i.e, single pane windows.</p> <p>To provide weather protection for existing</p>	<p>To reduce maintenance.</p> <p>Replace when repair parts are not available.</p> <p>To correct existing non-complying code deficiencies such as inadequate light, ventilation, or egress (in non-bedroom applications).</p>	<p>For appearance, or increased interior lighting beyond the minimum code requirements.</p>



	<p>wood windows such as with the addition of exterior storms.</p> <p>Removal of security bars when required by the Building Inspector.</p>	<p>Removal or replacement of security bars covering egress windows with new units that meet the current code requirements.</p>	
SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a179.0 – 202.0 DOORS	<p>To correct broken or deteriorated conditions.</p> <p>To obtain energy efficiency.</p> <p>To provide safety, such as required egress, or in replacing a hollow core exterior door with a solid core door.</p> <p>To obtain access for required mechanical equipment or appliances.</p> <p>When/where required by codes.</p> <p>To provide security from forcible entry.</p> <p>Removal of double keyed deadbolts from exterior egress doors.</p>	<p>Installation of storm or security doors.</p> <p>Repair of Storm or Security Doors.</p>	
a203.0 – 207.0 CABINETS	<p>Replacement of cabinets beyond reasonable repair. When replacing cabinets, the guidelines listed in the “Kitchen Storage Space” section on page 11 of these Neighborhood Housing Standards shall be adhered to.</p> <p>Repair cabinets that are in a deteriorated condition.</p>	<p>Relocating existing or new kitchen facilities as part of floor plan modifications.</p> <p>Replacing existing cabinets that are in a deteriorated condition.</p>	<p>Installation of additional cabinet space beyond the limits set in the ‘code’ column at left (and listed in the “Kitchen Storage Space” section on page 11 of these Neighborhood Housing Standards).</p> <p>Replacement of otherwise serviceable and repairable cabinets.</p> <p>Replacement of cabinets to ‘update’ or ‘modernize’ a kitchen</p>

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SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a208.0 – 215.0 INTERIOR PAINTING AND WALLPAPER AND EXTERIOR PAINTING	<p>Abatement of all lead based paint surfaces on rehabilitation cases exceeding \$25,000.</p> <p>Interim Control of all lead based paint surfaces on rehabilitation cases less than \$25,000.</p> <p>Removal and replacement of all loose or peeling paint (lead or non-lead).</p> <p>Painting of all exposed wood and other permeable surfaces except pressure treated or naturally decay resistant wood surfaces.</p>	<p>Repainting of surfaces that are dirty or where painted more than five years ago.</p> <p>Covering unsightly colors or graffiti.</p>	
a216.0 – 220.0 INSULATION	<p>Installation of additional insulation to attics to provide a minimum R-38.</p> <p>Installation in accessible floor spaces to provide a minimum R-19.</p> <p>Installation of insulation in new walls, and all walls from which the interior and/or exterior covering is removed during construction. Walls shall be insulated to a minimum of <del>R-11</del> <u>13</u></p>	<p>Removal of wall covering and installation of additional insulation in areas where it is necessary to provide additional insulation around plumbing.</p> <p>Installation to a greater R-factor than required when special circumstances warrant (such as a house presently heated with electric heat, or where heat costs are a hardship to the owner). In these cases, cost of insulation should be balanced with the cost of installing a new heating system for the most economical package available to the owner.</p>	<p>Removal of wall covering for the purpose of installing insulation and/or vapor barrier to existing walls.</p>

SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
<p>a221.0 – 227.0 HEATING AND AIR CONDITIONING</p>	<p>Installation or repair of HVAC System capable of maintaining an interior temperature in all habitable rooms of at least 68 degrees Fahrenheit. When determining eligibility for replacement, the guidelines in the 'Heating' section (pages 15-16) of these Neighborhood Housing Standards shall be used.</p> <p>Installation of additional ductwork to provide heat to unheated required habitable space from an existing central furnace.</p> <p>Installation of permanent heat to replace portable or unvented or coal/wood burning heat systems.</p> <p>Installation of insulation to existing central furnace ductwork to provide more heating efficiency.</p>	<p>Installation of through-the-wall blowers to assist with the even distribution of heat to all habitable rooms.</p>	
SPECIFICATION	PROGRAM	PREVENTATIVE	GENERAL PROPERTY

REFERENCE NUMBER/NAME	REQUIREMENT (CODE)	(INCIPIENT)	IMPROVEMENT (GPI)
a229.0 – 250.0 ELECTRICAL	<p>Removal of all non-code compliant wiring and devices.</p> <p>Installation of GFI receptacles above Kitchen counters and in baths, and on exterior of house per code.</p> <p>Installation of bathroom vents where no window exists in bathroom.</p> <p>Replacement of all substandard devices (i.e., panel box, mast, lighting, etc.)</p> <p>Installation of smoke detectors as required.</p> <p>Installation of additional circuits for ranges, refrigerators/freezers, microwaves, washers and dryers.</p>	<p>Door bell and phone wiring.</p> <p>Installation of additional wiring to bring receptacles to current code requirements.</p> <p>Retaining minimal service to garages and other structurally adequate out buildings.</p>	<p>Pre-wiring for future appliances.</p> <p>Rewiring of an existing light fixture where the cost exceeds replacement with a minimal compliant fixture.</p> <p>Installation of more than two ceiling fans.</p> <p>Installation of microwave/vent combo units.</p> <p>Providing electrical service to garages and other structurally adequate out buildings where no current service exists.</p>
SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)

<p>a251.0 – 287.0 PLUMBING</p>	<p>Replacement of all leaking or defective plumbing, including fixtures beyond reasonable repair.</p> <p>Installation of minimum bathroom and kitchen facilities where none exist.</p> <p>Replacement of dilapidated bath vanities.</p> <p>Installing missing parts to code, i.e., water heater overflow pipes, pans, back flow preventers, etc.)</p> <p>Replacement or installation of water heaters capable of producing 120 degree heated water.</p> <p>Adding cut-offs to supply lines.</p> <p>Facilities as needed for disabled occupant.</p> <p>Minor repair of defective plumbing fixtures.</p>	<p>Relocating bath and kitchen fixtures in conjunction with floor plan changes.</p> <p>Replacement of drains that are not compliant to current codes and which are not being addressed in scope of work, such as “S” traps.</p> <p>To provide shower where only a tub exists.</p> <p>Installation of bath vanities instead of the required wall-hung lavatories where linen storage is limited, or where a vanity existed before.</p> <p>Moving hose bib from yard to more protected location in foundation.</p> <p>Installation of sump pumps in basements or crawl spaces.</p> <p>Replacement of galvanized water supply lines and cast iron DWV lines that are currently operational.</p>	<p>Installation of dishwashers, ice makers, garbage disposals, second baths, or bidets.</p> <p>Installation of more than one hose bib or relocating an existing hose bib unless new location requires less pipe, or is other wise at lower cost (EXCEPTION: where more than one exists, replacement in or near existing locations is eligible under the incipient category).</p>
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SPECIFICATION REFERENCE NUMBER/NAME	PROGRAM REQUIREMENT (CODE)	PREVENTATIVE (INCIPIENT)	GENERAL PROPERTY IMPROVEMENT (GPI)
a288.0 – 299.0 SPECIALTIES	<p>Installation of a moisture resistant wall covering around a bathtub with shower unit. This includes re-grouting of tile, re-caulking, etc.</p> <p>Installation of necessary appliances (ramps, grab bars, etc.) for disabled individuals.</p> <p>Installation of a minimal medicine cabinet with mirror above all vanities.</p> <p>Installation of a metal clothes dryer vents to the exterior of the building to code.</p> <p>Installation of fire extinguishers in rental units.</p> <p>Installation of house and apartment numbers.</p> <p>Installation of shower curtain rod.</p> <p>Repair or replacement (if necessary) of a range and refrigerator in the kitchen.</p>	<p>Bath accessory kits (code in rental units).</p> <p>Repair or re-grouting of existing wall tile beyond the tub area.</p> <p>Replacement of operable range/refrigerators for the purpose of energy efficiency.</p>	<p>To make rooms more convenient.</p> <p>General Remodeling.</p>

## OTHER OPTIONS:

The following remedies may occasionally be necessary in extreme cases where limited resources jeopardize a complete rehabilitation of the structure, where the condition of the structure before rehab clearly indicates that the occupant is unlikely to adequately maintain the property following rehabilitation, or where there is general disagreement with the course of the rehabilitation process:

### 1.) CLEAN UP OF PREMISES PRIOR TO PROCEEDING WITH REHABILITATION:

The Rehabilitation Specialist, upon arriving at a property for initial inspection, shall not proceed with an inspection of conditions in unsanitary, unsafe, or constrained areas. Such conditions can only lead to incomplete evaluations; guesswork that can either add cost to the project, or result in vital work not being included within the write-up. In cases where adequate inspections cannot be made because of clutter, unsanitary conditions, hazards, or inaccessibility of spaces, the situation shall be corrected by the property owner prior to proceeding with the rehabilitation process. The Rehabilitation Specialist shall clearly explain the conditions to be corrected prior to re-inspection, and a note placed in the file explaining the circumstances. It is then the responsibility of the property owner to correct the situation, and notify the Rehabilitation Specialist that the property is ready for re-inspection.

### 2.) CLEAN UP AND MAINTENANCE OF PROPERTY DURING THE APPLICATION PROCESS:

All tenants are responsible for maintaining their dwelling unit in a clean sanitary condition along with the shared or common areas. This includes the keeping of all plumbing fixtures in a clean and functioning condition. They must dispose of their garbage and keep the area free of rubbish.

It is also unlawful for the owner or occupant of a building to utilize the premises for open storage of abandoned cars, refrigerators, glass building materials, rubbish, or similar items. They are also responsible for keeping the premises free of overgrowth, dead trees, etc.

Every tenant of a single family house has the responsibility for the control of insect, pests, and rodents. This is the owner's responsibility in buildings of two or more dwelling units.

Cleanup is not only a responsibility of the property owner, but it can make a significant difference in the cost of rehabilitation. In situations where clutter, filth, or even excess personal property prevents access by bidding contractors, bid prices are usually inflated to protect the contractors from the risk of the unknown, frequently at a substantial cost. If a contractor expects to be required to work around a cluttered or unsanitary conditions, or if he must clean up and haul off debris before he can start a job, the cost may well be several thousand dollars. Homeowners shall be encouraged to understand this, and encouraged to clean and maintain their property prior to soliciting bids. In extreme cases, this may require intervention by Codes Enforcement or by a social service agency, especially with the elderly or when owners do not have the means to accomplish this on their own. **Unless exceptions are made due to a hardship situation, and depending on the extent of the problem, this can be a reason for disqualifying an applicant.**



### 3.) REMOVAL OF UNUSED STRUCTURES, ROOMS AND/OR APPLIANCES:

Since the restraints of funding cannot be ignored, it may occasionally be necessary to reduce the costs of a project by not treating all of the structure, or even by removal of a portion of the structure, when the cost of correcting code deficiencies exceeds removal.

- a.) All dilapidated and unused or unnecessary portions of a house or accessory building on the property which are not being maintained and for which there is insufficient funding to repair shall be removed.
- b.) Where the interior space of a house is larger than needed by the family residing within, a section of the house may be considered as unused, non-inhabitable space and not rehabilitated, providing it is in compliance with minimum code requirements. In such cases, all dangerous or unsanitary conditions, all fire hazards, all conditions which encourage vermin and insect infestation, and all accumulation of junk shall be corrected. Where a portion of the house is going to remain, but not be habitable space, the intentions of rehabilitation shall be clearly noted on the page one notes of the work write up.

### 4.) PARTICIPATION IN REHABILITATION PROGRAMS IS VOLUNTARY:

As a property owner, participation within the housing programs sponsored by the Community Development Department is voluntary. There may be instances where the property owner disagrees with the recommendations of the Department, either on the inclusion or exclusion of individual work items, or the overall course to be taken in the case (i.e., reconstruction vs. rehabilitation).

In such a case, the property owner shall be made aware that program guidelines dictate that:

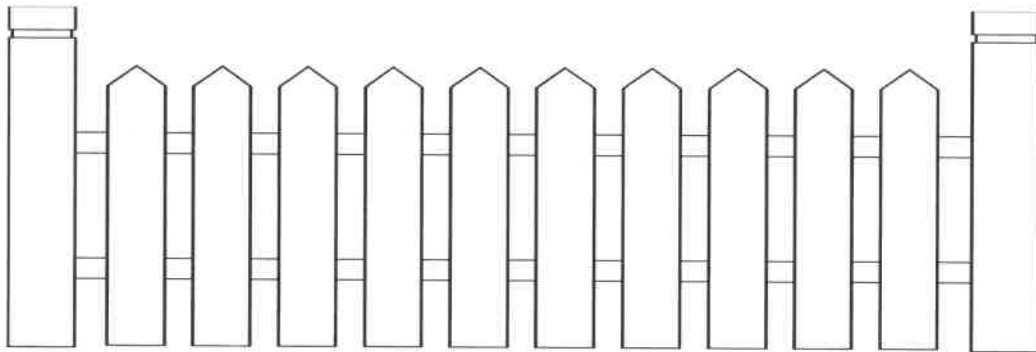
- a.) Housing that is constructed or rehabilitated with housing funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. Desired items cannot be chosen, while others are left out; the program requires a complete 'package'.
- b.) The most financially feasible solution to the family's housing needs shall be pursued, not only to increase affordability to the family, but to ensure that program resources assist the maximum number of families possible.

At any time in the process, up to the actual start of construction, the property owner may refuse assistance within the program without any financial liability. However, the decisions of the Department in terms of financial feasibility and the correction of code violations and/or housing deficiencies shall be final.

If the homeowner so chooses, they may proceed with rehabilitation and finance any portions of the work that may fall outside the parameters of the programs (i.e., a third bedroom in a new house where family size dictates two bedrooms, or in the case of General Property Improvements beyond the funding allowed by our programs).



# **City of Knoxville Community Development Rental Rehabilitation Program Description**



**Funded by:  
The U.S. Department of Housing & Urban Development's Home Investment Partnership Program  
Community Development Block Grant  
Equal Housing Opportunity Affirmative Marketing Procedures Apply  
Community Development  
Rental Rehabilitation Program Description**

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EQUAL HOUSING OPPORTUNITY  
AFFIRMATIVE MARKETING PROCEDURES APPLY

## I. INTRODUCTION

The Rental Rehabilitation Program (RRP) was initiated by the City of Knoxville, Community Development Department, in response to the local need for standard rental housing that is affordable to low income tenants. RRP provides owners of substandard residential rental property assistance in the form of low cost financing for the rehabilitation of these properties. Technical assistance is also provided. Single-family, multi-family properties and supportive housing, such as group homes are eligible for the Program. Eligible owners of the rental housing may be private individuals, public agencies, or nonprofit organizations. New construction of multi-family rental housing may be eligible for developers who meet specific capacity requirements.

Funding for the RRP is provided primarily through the U.S. Department of Housing and Urban Development's HOME Investment Partnerships Program (HOME) and Community Development Block Grant Program (CDBG). The HOME Program provides federal funds to state and local governments to increase the availability of affordable housing nationwide.

The City's Rental Rehabilitation Program is designed to accomplish a twofold objective:

1. to increase the supply and long-term availability of affordable, standard rental housing for low-income families; and
2. to revitalize and strengthen Knoxville's inner-city neighborhoods by correcting substandard rental housing conditions within the community

Specific program provisions such as rent restrictions and occupancy restrictions have been instituted to ensure that this objective is met, as well as ensure compliance with federal HOME regulations. Required rent occupancy restrictions can range from five to twenty years, depending on the amount of HOME/CDBG financing provided and whether the project is a rehab or new construction. The number of units to which these restrictions apply will vary depending on the percent of total project cost provided by the RRP financing. Each program provision is detailed in the following sections.

## II.

**PROGRAM ACTIVITIES**

**-FINANCING METHOD-**

RRP provides a subsidy toward the cost of rehabilitation in the form of forgivable loans called Deferred Payment Loan. Each project is underwritten by the City and the total RRP funding is limited to:

- ❖ The minimum amount necessary to make a project economically feasible given the projected rents and expenses and a reasonable return on the owner's investment. Owners are expected to borrow the maximum amount feasible from private lending sources. RRP financing fills the gap between actual costs and the amount of private financing. Subsidy from other sources will be considered also.

**AND**

- ❖ The lessor of 80% of the cost necessary to correct code violations and make other required repairs or \$20,000 per unit. Project costs in excess of the amount financed by the City would be paid with private financing or cash provided by the owner.

The terms of the City provided financing are as follows:

**Deferred Payment Loan (DPL)** – A Deferred Payment Loan is an interest free, forgivable loan that requires no monthly payments as long as all Program requirements are met. The maximum DPL is \$20,000 per unit. The balance will be forgiven in full at the end of the Affordability Period. (See Page 11 for minimum Affordability Period Chart)

**Lead Based Paint Grant** - these grants are available to cover additional costs for required lead hazard control measures. The maximum lead based paint grant is 25% of the total cost of the non-lead portion of the rehabilitation.

*The maximum DPL and Lead Based Paint grant available is as stated above or 80% of all eligible costs, whichever is less. Owners are expected to contribute a minimum of 20% of eligible costs.*

If the owner sells the property, converts it to a nonresidential use, does not comply with affordability and occupancy restrictions during the affordability period (*see **Rent Restrictions and Occupancy Requirements***), or otherwise defaults according to the terms of the DPL; the outstanding balance of the DPL becomes immediately due and payable.

An exception to the due on sale clause may be granted when:

- ❖ A subsequent investor-buyer is willing to assume the original terms of the loan according to the City's Subordination/Assumption Policy, or
- ❖ The unit is sold for no more than the appraised value to an existing lower-income tenant for use as his/her principal residence. In such cases, the loan terms may be restructured and assumed by the tenant-buyer according to the provisions of the City's Subordination/Assumption Policy.

*The financing structure for each RRP project is determined on a case-by-case basis, and is based on what is necessary to make each project financially feasible.*

### **-ELIGIBLE PROPERTIES-**

- ❖ The property must be owned by the applicant or the applicant must have an option or contract to purchase the property.
- ❖ Single-family homes, multi-family properties and supportive housing units, such as group homes are all eligible for the Program.
- ❖ Property must be located in a neighborhood where current market conditions indicate a need for the proposed rental project. An analysis of market conditions will be performed by the City or by a 3<sup>rd</sup> party, depending on the number of units.
- ❖ All properties must be structurally and financially feasible for rehabilitation given Program construction standards and financial requirements. Properties must have a positive cash flow.
- ❖ All property taxes must be current.
- ❖ All properties must need a minimum of \$1,000/unit in repairs to be eligible for the Program.

### **ELIGIBLE APPLICANTS**

- ❖ Applicants must demonstrate successful management and property maintenance of any owned rental properties.
- ❖ Applicants who own properties with a history of code violations during their ownership will not be eligible for the program.
- ❖ Applicants must be current on all property taxes for any additional owned properties.
- ❖ Applicants must show an acceptable credit history.

- ❖ Applicants must document fiscal soundness through current tax return and/or financial statement.
- ❖ Applicants must document proven development capacity for the type and size of project.
- ❖ Additional requirements will apply to developers of new rental housing.

<b>FUNDING PRIORITIES</b>
---------------------------

As long as sufficient funds are available, eligible projects will be processed and funded on a first-come, first-serve basis. Should the demand for Program funds exceed the funds available, the City will process and fund those qualified projects which rank highest given the following selection criteria:

- ❖ Located in a current Community Development targeted area:
  - East Knoxville (census tracts 5, 6, 19, 20, 21, 32)
  - Mechanicsville, Lonsdale, and Beaumont (census tracts 12, 13, 14, 28)
  - Oakwood, Lincoln Park and Cecil (census tracts 15, 17, 29)
  - South Knoxville (census tracts 8, 24)
- ❖ Currently uninhabitable property, which is due to no fault of the current owner.
- ❖ Properties that have been purchased (or are under contract) through the City's Homemaker Program.
- ❖ Units that will be made readily accessible to and usable by individuals with disabilities; also units that will be made visitable by individuals with disabilities.
- ❖ Requires a minimal amount of public subsidy.

<b>-INELIGIBLE PROJECTS-</b>
------------------------------

- ❖ The RRP may not be used for assistance to eligible low income housing under PART 248 (*Repayment of Low Income Housing Mortgages*) of Title II or assistance to a project previously assisted with HOME funds during the affordability period or for development of public housing financed under the 1937 Act (*Public Housing Capital and Operating Funds*).
- ❖ Properties will not be eligible if the rehabilitation will result in the physical or economic displacement of existing tenants.

- ❖ No project will be funded if the owner displaces tenants prior to submitting an application in order to meet program requirements or funding priorities.
- ❖ Property located in areas identified as having special flood hazards by the Federal Emergency Management Agency will not be eligible unless the owner obtains (*and maintains*) flood insurance under the National Flood Insurance Program.
- ❖ Properties that are in such poor condition that rehabilitation is not a feasible option.

<b>-ELIGIBLE COSTS-</b>
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Eligible project costs include:

- ❖ **Development Hard Costs** – The actual cost of rehabilitating housing to meet the City’s Community Development Neighborhood Housing Standards. Funds may also be used for improvements to the project site that are in keeping with improvements to surrounding, standard projects, and costs to make utility connections.
- ❖ **Related Soft Costs** – Other reasonable and necessary costs incurred by the owner and associated with the development or financing of the project including:
  1. Architectural, engineering or related professional services required to prepare plans, drawings, specifications, or work write-ups;
  2. Financing costs such as origination fees, credit and title reports, recording fees, building permits, appraisals, private attorney’s fees, fees for an independent cost estimate.
  3. Costs to provide information services such as affirmative marketing and fair housing information to prospective tenants.
- ❖ **General Property Improvements** – The scope of work may also include general property improvements (*GPI’s*) in an amount up to 5% of the rehabilitation cost for required and incipient items if sufficient funds are available and all code violations and incipient violations have been properly addressed. *Examples of GPI’s are: dishwashers, utility or storage spaces, security systems and rearrangement of interior space to eliminate inefficient design. The scope of work **may not** include luxury items even if financed with private funds.*
- ❖ **Relocation Costs** – Costs of relocation payments and other relocation assistance for temporarily relocated persons. (Any projects that would require permanent displacement of tenants are not eligible.)



### III. PROGRAM REQUIREMENTS

#### REHABILITATION STANDARDS

At a minimum, all rehabilitation work must comply with the City's Neighborhood Housing Standards, which include the 2018 ICC Property Maintenance Codes, existing housing codes related to health and safety, work needed to comply with lead-based paint requirements, and cost effective energy conservation measures. In addition, property on, or eligible for, the National Register of Historic Places must comply with the Secretary of Interior's Standards for rehabilitation of Historic Properties. A City Rehabilitation Specialist will inspect the property and determine the work needed to meet these standards. Every unit in the project, even those not assisted with RRP funds, must be rehabilitated to these standards. If a new rental construction project is approved, the project must meet visitability standards required by the City, must qualify and receive Energy Star for New Homes designation and must meet Infill Housing Guidelines.

The Neighborhood Housing Standards also provide for, but do not require, correction of incipient violations (*items that are not yet actual code violations, but that are likely to become violations within the next two years if not properly addressed*) and measures that provide for the special needs of tenants, such as adaptations for tenants with disabilities. Incipient items do not apply to major systems because the City's Neighborhood Housing Standards already require all major systems to have at least a five year useful life left. Incipient items and GPI'S will be included only to the extent that the owner is putting in an amount equal to or more than the amount of those items, either with cash or through a private loan.

Per the requirements of **24 CFR Part 8**, Nondiscrimination Based on Handicap in Federally Assisted Programs and HUD Activities—when a project contains 15 or more units and the rehabilitation cost equals or exceeds 75% of the replacement cost of the completed facility, the project must comply with Sec. 8.22 requiring a minimum of 5% of the units or at least one unit be accessible for persons with mobility impairments. An additional 2% of the units (*but not less than one*) in such a project shall be accessible for persons with hearing or vision impairments. Projects containing five or more dwelling units must be made readily accessible to and usable by individuals with handicaps to the maximum extent feasible. *“Maximum extent feasible” means that compliance in rehabilitation shall be required unless doing so would impose an undue financial and administration burden.* It does not require that alterations be made solely in order to comply if those alterations cannot be undertaken without removing or altering a load-bearing structural member.

Generally, all rehabilitation work must be completed by a licensed contractor. Procedures for contacting for the rehabilitation work are described in the “*Application Process*” handout.

## RENT RESTRICTIONS

Once rehabilitation is complete, each RRP assisted unit is subject to the following rent restrictions:

- ❖ **Low (HOME) Rents** – For projects containing five or more assisted rental units, or in the case of an owner who has multiple projects which together contain a total of five or more assisted rental units, a minimum of 20% of all the assisted units must have rents, adjusted for utilities, that do not exceed 30% of the gross income for a household earning 50% of the median income for the area; and
- ❖ **High (HOME) Rents** – All other assisted units in each project must have rents, adjusted for utilities, that do not exceed the lesser of Section 8 Fair Market Rents or 30% of the adjusted income for a household earning 65% of the median income for the area.

*The Low and High HOME rents (including tenant paid utilities), as of June 28, 2019 for Knoxville by number of bedrooms per unit are:*

Number of Bedrooms	0	1	2	3	4
<b>Low HOME Rent</b>	624	693	832	961	1072
<b>High HOME Rent</b>	624	742	915	1198	1336

The City and the owner will determine the maximum allowable rents for each assisted unit on an individual basis. This is necessary in order to make adjustments to the rent levels to allow for tenant-paid utilities such as water, sewer, electric, heating, etc. The amount of the adjustment varies depending on the type of building (single-family, duplex, etc.), and the type of utilities provided (gas, electric, etc.). The amount of each deduction will be in accordance with Knoxville’s Community Development Corporation’s (KCDC) utility allowance schedule for the Section 8 Existing Housing Program (current schedule attached). The **Low** and **High HOME Rents** for each unit’s bedroom-size are computed annually by the U. S. Department of Housing and Urban Development.

*To protect existing tenants residing in RRP projects from economic displacement, no rehabilitation project will be undertaken that would result in rent increase such that the total of the after-rehabilitation contract rent plus applicable utility allowances would exceed 30% of the tenant’s gross monthly income for a non Section 8 tenant. This rule applies to all properties occupied prior to rehabilitation regardless of whether occupied (unit(s)) will be assisted with RRP funds.*

## OCCUPANCY REQUIREMENTS

The occupancy for all RRP assisted units must be restricted to low-income tenants as follows:

- ❖ For projects containing five or more HOME assisted rental units, or in the case of an owner who has multiple projects which together contain a total of five or more assisted rental units, a minimum of 20% of all the assisted units must be occupied by tenants with adjusted household incomes that do not exceed 50% of the median income for the area adjusted for family size paying no more than Low HOME Rents; and
- ❖ All other HOME assisted units must be occupied by tenants with adjusted household incomes that do not exceed 60% of the median income for the area adjusted for family size. <sup>(1)</sup>
- ❖ No exceptions to the occupancy rules noted above are made for existing tenants who reside in a project prior to rehabilitation. Therefore, occupied units are only eligible for assistance under the Program to the extent that existing tenants will not have to be physically displaced in meeting these occupancy requirements. However, where a project consists of more than one unit, a mixed-income project is allowable as long as private financing is used to rehabilitate the non-income/rent restricted units.

*The income limits for all tenants residing in RRP assisted units will be computed annually by the U.S. Department of Housing and Urban Development. The current income limits as of June 28, 2019, by family size are:*

Family Size	1	2	3	4	5	6	7	8
<b>50% Limit</b>	25,900	29,600	33,300	36,950	39,950	42,900	45,850	48,800
<b>60% Limit</b>	31,080	35,520	39,960	44,340	47,940	51,480	55,020	58,560
<b>80% Limit</b>	41,400	47,300	53,200	59,100	63,850	68,600	73,300	78,050

*(1) An exception to this requirement is made for projects containing (10) ten or more assisted units. Ten percent of the assisted units in these larger projects may be occupied by households having adjusted incomes up to 80% of the median income for the area adjusted for family size.*

<b>MINIMUM AFFORDABILITY PERIOD</b>
-------------------------------------

Full rent and occupancy restrictions remain in force for the minimum affordability period, which depends on the type of activity and the amount of HOME financing, as follows:

Activity Type	Average Per-Unit HOME Cost	Minimum Affordability Period
Rehabilitation of Existing Housing	< \$15,000/unit	5 years
	\$15,000 - \$40,000/unit	10 years
New Construction	Any \$\$ Amount	20 years

- ❖ In some cases, funding may be supplemented with CDBG funds thereby reducing the affordability period.

During this time, the owner must lease all HOME assisted units to income eligible tenants for no more than the maximum allowable rents. The maximum allowable rents and utility allowances must be recalculated annually subject to review and approval by the City. New rent information will be published annually by the U.S. Department of Housing and Urban Development to help all owners establish new maximum allowable rents for their projects. Should the maximum allowable rent decrease from the previous year's calculation, the rents for assisted units must be decreased accordingly for all new renegotiated leases. If the maximum allowable rent amount increases, the owner must determine whether to implement a rent increase for any new or renegotiated leases. Before any annual rent increase may be implemented, tenants must be given at least 30 days written notice of the increase. Increases in rent are also subject to any other governing provision(s) of the lease agreement.

During the affordability period, the owner is also responsible for certifying the initial incomes of all tenants who lease an assisted unit. This income information must be submitted to the City for review and approval prior to leasing the unit. In addition, the owner must provide the City with an annual recertification of the incomes of all tenants residing in RRP assisted units.

Should an annual income recertification indicate that a tenant's household income exceeds 80% of the median income for the area, he/she may not be asked to move. However, an over-income tenant's rent must be adjusted such that he/she pays a minimum of the lesser of 30% of the household income for rent and utilities, or the amount payable by the tenant under State or local law. After the over-income tenant vacates the RRP assisted unit, restricted rent levels and occupancy restrictions must be reinstated.

## POLICIES FOR PROTECTION OF TENANTS/OCCUPANTS

The owner must adhere to all provisions of the City's "POLICIES FOR PROTECTION OF TENANT-OCCUPANTS" (PPT) and must cooperate with the City in administering the provisions of the PPT including:

- ❖ Informing all existing tenants of the application for RRP assistance and that a City representative may be contacting them to discuss the program.
- ❖ Providing the City with initial information regarding existing tenants (such as names, phone numbers, family-size, income, etc., and arranging meetings as necessary) and notify the City of any changes in tenancy;
- ❖ Once the application for RRP assistance has been submitted, the owner must notify all prospective new tenants who apply to move into vacant units of any proposed rent increase that will be implemented following rehabilitation completion. The owner must also notify prospective new tenants that their occupancy may be subsequently terminated in order that the rehabilitation work be completed or due to the occupancy restrictions that will be imposed following rehabilitation completion.

*If the owner does not inform prospective new tenants as noted above, the rehabilitation project will be canceled if the rehabilitation would then result in physical or economic displacement of the new tenant.*

- ❖ If temporary relocation of an existing tenant is required in order to carry out the rehabilitation work, the owner must:
  1. Provide a suitable vacant unit to the tenant, if available, for the temporary relocation period at a rent equal to or less than the current rent charged to the tenant; or
  2. If the owner does not have a unit available, then he/she must help the tenant locate a suitable replacement unit. The City will reimburse the tenant for any increase in rent in connection with the move.

*In either case, the tenant will be reimbursed by the City for all reasonable out-of-pocket moving expense, or the City will directly pay for the move.*

## TENANT SELECTION POLICY

An owner of rental housing assisted with RRP (HOME) funds must adopt written tenant selection policies that:

- ❖ Are consistent with the purpose of providing housing for very low-income and low-income families;

- ❖ Are reasonably related to Program eligibility and the applicant's ability to perform the obligations of the lease;
- ❖ Provide for the selection of tenants from a waiting list in the chronological order of their application insofar as is practicable; and
- ❖ Provide for the prompt written notification to any rejected applicant of the grounds for rejection.

*In marketing vacant units, the owner must carry out affirmative marketing efforts as described in the HOME Program Agreement*

**PROHIBITED LEASE PROVISIONS**

A lease must be executed between the property owner and the tenant for all RRP assisted units. The lease must be for a period of not less than one year, unless a lesser period is mutually agreed upon in writing by the property owner and the tenant. Specific provisions that may not be included in the lease are:

- ❖ **Agreement to be sued** – Agreement by the tenant to be sued, to admit guilt, or to a judgement in favor of the owner in a lawsuit brought in connection with the lease;
- ❖ **Treatment of property** – Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. This prohibition, however, does not apply to an agreement by the tenant concerning disposition of personal property remaining in the housing unit after the tenant has moved out of the unit. The owner may dispose of this personal property in accordance with state law;
- ❖ **Excusing owner from responsibility** – Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent;
- ❖ **Waiver of legal proceedings** – Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;
- ❖ **Waiver of notice** – Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant.
- ❖ **Waiver of a jury trial** – Agreement by the tenant to waive any right to a trial by jury;
- ❖ **Waiver of right to appeal court decision** – Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease; and

- ❖ **Tenant chargeable with cost of legal actions regardless of outcome** – Agreement by the tenant to pay attorney’s fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant may, however, be obligated to pay costs if the tenant loses.

*An owner may not terminate the tenancy, or refuse to renew the lease, of a tenant of rental housing assisted with RRP funds except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable federal, state, or local law; or for other good cause. Written notice must be provided at least 30 days in advance of any termination or refusal to renew which specifies the grounds for the action*

### **AFFIRMATIVE MARKETING PROVISIONS**

The owner must affirmatively market vacant units and assisted units which become vacated during the required affordability period. In order to comply with the affirmative marketing requirements and procedures established by the City, the owner of projects containing five or more dwelling units must comply with the following:

#### **During the affordability period** –

- ❖ The owner shall inform and solicit applications from persons not likely to apply for the housing without special outreach by notifying the Knoxville Area Urban League immediately when it is known that a vacancy will occur and/or provide the unit as a referral for tenants on KCDC’s Existing Housing waiting list, and

#### **Keep Data on** –

- ❖ The racial, ethnic, and gender characteristics of:
  1. Tenants occupying assisted units before rehab.
  2. Tenants moving from and into assisted units in the project initially after project completion.
  3. Applicants for tenancy/purchase of assisted units.
- ❖ How the applicants heard about the housing opportunity.

*Information regarding applicants for initial occupancy of assisted units must be provided to the City within 120 days following rehabilitation completion.*

- ❖ The owner shall also keep during the required period of affordability, information on all vacancies of assisted units, and copies of all newspaper advertisements to fill vacancies of assisted units. Copies of these advertisements may be submitted directly to the City.
- ❖ The owner will use the Equal Housing Opportunity logo type or slogan in advertising vacant assisted units during the required affordability period.
- ❖ The owner will advertise assisted unit vacancies in the Knoxville News Sentinel if more than four such vacancies exist in a project and there is not a sufficient waiting list to fill these vacancies, or to list the property with KCDC's list of properties available for Rental Assistance Certificate holders during the required affordability period.

<b>OTHER PROGRAM REQUIREMENTS</b>
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- ❖ **100% Combined Loan to value** – The total of all debt against the property, including the City DPL, cannot exceed 100% of the after rehab value of the property. The owner must be willing and able to pay all rehabilitation costs exceeding 100% of the value with funds not secured by the property. The City will subordinate its Deed of Trust securing the DPL to debt of a private lender only according to the provisions of its Subordination/Assumption Policy.
- ❖ **Rental Rehab Compliance Training** – all property owners who participate in the City's Rental Rehab Program will be required to participate in a two hour compliance training.
- ❖ **Insurance** – The owner must insure the rehabilitation property against loss by fire and other hazards during the term of the City provided financing, in an amount not less than necessary to cover all outstanding debts on the rehabilitated property. The City of Knoxville, Community Development Department (P.O. Box 1631, Knoxville, Tennessee 37901) shall be listed as a lien holder and supplied with a copy of the policy.
- ❖ **Housing Quality Standards** – Owners must maintain the housing in compliance with the 2082 ICC Property Maintenance Code for the duration of the affordability period. Should the City adopt a different code during the affordability period, the new code will then apply.
- ❖ **Religious Organizations** - HOME funds may be provided to primarily religious organizations, such as churches, for rehabilitation activities. The completed housing project must be used exclusively for secular purposes with no religious or membership criteria for tenants of the property.
- ❖ **HOME Agreement** – All assisted property owners must execute an agreement with the City ensuring compliance with all requirements of the HOME Program; such as Fair Housing and Equal Opportunity, Nondiscrimination, Conflict of Interest, Affirmative Marketing; Displacement, Relocation and Acquisition; Labor; Lead-Based Paint; Conflict of Interest; Debarment and Suspension; and Flood Insurance.
- ❖ **Other Federal Requirements** – The owner must comply with all federal laws and regulations described in *Sub Part H* of the HOME regulations, except for environmental and intergovernmental review responsibilities. These requirements include: Equal Opportunity and Fair Housing Affirmative Marketing; Displacement, Relocation and Acquisition; Labor; Lead-Based Paint; Conflict of Interest; Debarment and Suspension; Flood Insurance and Violence Against Women Reauthorization Act (VAWA) of 2013.



- ❖ **Lead Based Paint** – The owner will comply with the U. S. Department of Housing and Urban Development (HUD) regulations covering lead-based paint in federally associated housing, which appear within title 24 of the Federal Regulations as Part 35 (24 CFR). The regulations, “Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance,” include requirements for disclosure and notifications, paint testing, risk assessments, hazard reduction, safe work practices prohibited methods of paint removal, occupant protection, and ongoing maintenance.
- ❖ **Restrictive Covenant** – In addition to a Promissory Note and Deed of Trust securing the RRP financing, the Borrower and the City will enter into an agreement creating a Restrictive Covenant restricting the occupancy and rents on assisted units for the minimum affordability period.

<b>IV. PROGRAM MONITORING</b>
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At least annually, the City will monitor each RRP assisted project for compliance with program requirements. On site inspections for compliance with the 2018 ICC Property Maintenance Code will be made once during the first year and at least once every third year thereafter during the period of affordability. Projects with more than 10 units will be required to document continued financial viability through submission of annual financial statements. In addition, the City will annually review the owner’s compliance with all written agreements. Noncompliance with program requirements will result in default of all RRP financing, and the balances(s) of any City provided financing will become immediately due and payable. The owner remains responsible for submitting all rent and utility allowances, all initial tenant income information, and annual tenant income recertifications to the City for review (*see Rent Restrictions, and Occupancy Recertifications*). Failure to comply with this requirement will also result in default.

<i>For monitoring purposes, the owner shall maintain all records needed to document compliance with the HOME Program Agreement for at least five years after completion of the minimum affordability period.</i>
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**EXHIBIT "A"**

**LOW RISE APARTMENTS (2-4 UNITS)  
Utility Allowance Schedule  
U.S. Department of Housing & Urban Development  
Office of Public and Indian Housing  
Allowances for Tenant-Furnished Utilities and Other Services  
Knoxville, Tennessee  
-October 1, 2019-**

Utility or Services	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
<b>AIR CONDITIONING:</b>	5	6	9	11	14	17
<b>HEATING:</b>						
a. Natural Gas	25	29	30	31	33	34
b. Bottled Gas	109	128	137	146	155	164
c. Electric	17	20	25	30	35	41
d. Electric-Heat Pump	13	15	18	20	23	25
<b>OTHER ELECTRIC:</b>	30	33	41	49	57	65
<b>WATER HEATING:</b>						
a. Natural Gas	7	8	12	16	19	23
b. Bottled Gas	29	34	49	64	80	95
c. Electric	11	13	17	21	25	28
<b>WATER:</b>	28	30	40	54	69	84
<b>SEWER:</b>	60	65	94	139	183	228
<b>REFRIGERATOR:</b>	12	12	12	12	12	12
<b>RANGE:</b>	8	8	8	8	8	8
<b>COOKING:</b>						
a. Natural Gas	10	11	12	13	14	16
b. Bottled Gas	10	12	17	23	28	33
c. Electric	4	4	6	8	10	12

**EXHIBIT "A"**

**LARGER APARTMENT BLDGS. (5+ UNITS)  
Utility Allowance Schedule  
U.S. Department of Housing & Urban Development  
Office of Public and Indian Housing  
Allowances for Tenant-Furnished Utilities and Appliances  
Knoxville, Tennessee  
-October 1, 2019-**

<b>Utility or Services</b>	<b>0-BR</b>	<b>1-BR</b>	<b>2-BR</b>	<b>3-BR</b>	<b>4-BR</b>	<b>5-BR</b>
<b>AIR CONDITIONING:</b>	5	6	8	10	12	15
<b>HEATING:</b>						
a. Natural Gas	16	19	21	22	24	26
b. Bottled Gas	67	79	90	102	113	124
c. Electric	11	14	18	22	26	31
d. Electric Heat Pump	10	12	14	16	18	19
<b>OTHER ELECTRIC:</b>	27	30	36	43	49	56
<b>WATER HEATING:</b>						
a. Natural Gas	6	7	10	13	16	18
b. Bottled Gas	23	27	39	51	64	76
c. Electric	9	11	14	17	20	23
<b>WATER:</b>	28	30	40	54	69	84
<b>SEWER:</b>	60	65	94	139	183	228
<b>REFRIGERATOR:</b>	12	12	12	12	12	12
<b>RANGE:</b>	8	8	8	8	8	8
<b>COOKING:</b>						
a. Natural Gas	10	11	12	13	14	16
b. Bottled Gas	10	12	17	23	28	33
c. Electric	4	4	6	8	10	12

**EXHIBIT "A"**

**SINGLE FAMILY  
Utility Allowance Schedule  
U.S. Department of Housing & Urban Development  
Office of Public and Indian Housing  
Allowances for Tenant-Furnished Utilities and Other Services  
Knoxville, Tennessee  
-October 1, 2019-**

Utility or Services	0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
<b>AIR CONDITIONING:</b>	4	4	10	16	21	27
<b>HEATING:</b>						
a. Natural Gas	22	26	28	31	34	37
b. Bottled Gas	96	113	129	145	161	178
c. Electric	26	30	35	40	45	49
d. Electric-Heat Pump	14	17	20	23	25	28
<b>OTHER ELECTRIC:</b>	34	37	47	57	66	76
<b>WATER HEATING:</b>						
a. Natural Gas	7	8	12	16	19	23
b. Bottled Gas	29	34	49	64	80	95
c. Electric	11	13	17	21	25	28
<b>WATER:</b>	28	30	40	54	69	84
<b>SEWER:</b>	60	65	94	139	183	228
<b>REFRIGERATOR:</b>	12	12	12	12	12	12
<b>RANGE:</b>	8	8	8	8	8	8
<b>COOKING:</b>						
a. Natural Gas	10	11	12	13	14	16
b. Bottled Gas	10	12	17	23	28	33
c. Electric	4	4	6	8	10	12



**APPENDIX B**

**BROAD LEVEL CHECKLIST  
AND  
TIER 2 SITE SPECIFIC CHECKLIST**



U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
www.hud.gov  
espanol.hud.gov

**Broad-Level Tiered Environmental Review Summary and  
Checklist for:  
Activity/Project that is  
Categorically Excluded Subject to Section 58.5  
Pursuant to 24 CFR Part 58.35(a)**

**Project Information**

**Project Name:** Repair and/or Rehabilitation of Single Family homes (1-4 residential units per site)

**Responsible Entity (RE):** Mayor Indya Kincannon, City of Knoxville

**State/Local Identifier:**

**RE Preparer:** Point of Contact:  
Ms. Linda Rust, Community Development Administrator  
Housing and Neighborhood Development (HND)  
400 Main Street, Suite 515  
Knoxville, TN 37902  
865.215.2357

**Certifying Officer:** Mayor Indya Kincannon, City of Knoxville

**Project Location:** City-wide projects with Knox County

**Additional Location Information:**

**Direct Comments to:** Ms. Linda Rust, HND

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:** See “General Description of Projects” section of the attached “Broad-Level Review Summary & Site-Specific Compliance Strategy.” The exact scope of work for individual projects will be described within the associated “Site-Specific Checklist.”

**Approximate size of the project area:** Projects can be located anywhere within the corporate limits of the City of Knoxville, TN for HND projects. The City of Knoxville is approximately 104 square miles in size. The City of Knoxville is located within Knox County.

**Length of time covered by this review:** Five (5) years, between 2020 and 2024.

**Maximum number of dwelling units or lots addressed by this tiered review: TBD**

**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5: 58.35(a)(3)

**Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Program Name</b>	<b>Funding Amount</b>
FY 2020 to FY 2024	HOME Including CHDO)	Rehabilitation of Single Family Homes	\$9,000,000
FY 2020 to FY 2024	CDBG and CDBG COVID Recovery	Rehabilitation of Single Family Homes	\$9,000,000
FY 2020 to FY 2024	ESG and ESG-CV COVID Recovery	Rehabilitation of Single Family Homes	\$1,250,000

**Estimated Total HUD Funded Amount: \$ 19,000,000**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: minimum City: \$24,000,000**



**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies**

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level. <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b></p>		
<p><b>Airport Hazards</b>  24 CFR Part 51 Subpart D</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>To be addressed in a site-specific review. See the sections for this authority within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</p>
<p><b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Tennessee is a landlocked state and is not a Coastal Barriers Resource System state. See attached State Boundary Map from the US Fish and Wildlife Service Coastal Barriers Resource System.</p>
<p><b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5</b></p>		
<p><b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The repair/rehabilitation of projects involving existing single-family homes will not result in new sources of criterion air pollutants, or an increase in existing sources of pollutants. Therefore, it has been determined that these activities will not affect air quality standards. Therefore, the requirements of the Clean Air Act of 1970 do not apply.</p>
<p><b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Tennessee is a landlocked state and does not have a Coastal Zone Management Program. See attached map in Appendix C.</p>
<p><b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) &amp; 58.5(i)(2)]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</p>

<p><b>Endangered Species</b></p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>To be addressed in a site-specific review. See the sections for this authority within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</p>
<p><b>Farmlands Protection</b></p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Rehabilitation activities will not cause the conversion of farmland for non-agricultural use.</p>
<p><b>Floodplain Management</b></p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</p>
<p><b>Historic Preservation</b></p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>To be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and Site-Specific checklist.</p>
<p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>This will be addressed in a site-specific review.</p> <p>If the project is not located within 1,000 feet of any major highway, 3,000 feet of any railroad, 5 miles of a major civilian airport, or 15 miles of a military airport, then noise abatement and control is not applicable. The City shall document that the project will not be adversely affected by any of these sources by placing a map with the site marked on the map in the Environmental Review. If, however, any of the aforementioned conditions exist, a noise study must be conducted in accordance with HUD’s Noise Guidebook. For rehabilitation activities involving noise sensitive facilities exposed to Normally Unacceptable or Unacceptable, HUD encourages incorporation of noise attenuation measures given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure.</p> <p>Where site-specific projects covered under this tiered review strategy are found to be subject to noise levels above 65 dB, the ERR will contain</p>

		<p>either:</p> <p>a) documentation of the nature and extent of noise attenuating features or components incorporated into the scope of work, along with the resulting projected interior Day-Night noise Level (DNL), or</p> <p>b) description of the bases for decisions to not incorporate noise attenuating features or components in the scope of work. Reasonable bases for such decisions include, but are not limited to,</p> <p>1) the proposed scope of work does not address components capable of attenuating the identified elevated noise levels</p> <p>2) the cost of incorporating noise attenuating features or components exceeds project budget limitations or is disproportionately high in relation to the project cost without additional attenuation (e.g. if the scope of work includes components capable, if upgraded, of attenuating the specific noise sources, additional material/component costs are usually no more than 20% - going beyond that may compromise our ability to serve other needs within the community).</p>
<p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>According to the Environmental Protection Agency's Sole Source Aquifer Map, there are no sole source aquifers located in or near Knox County, TN. See attached map in Appendix C.</p>
<p><b>Wetlands Protection</b></p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>This will be addressed in a site-specific review.</p> <p>Executive Order 11990 requires all federal executive agencies to refrain from supporting construction in wetlands wherever there is a practical alternative. Section 10 of Executive Order 11990 authorizes that responsibility applicable to projects covered by Section 104 (h) of the Housing and Community Development Act of 1974 may be assumed by the applicant if the applicant had also assumed all the responsibilities for environmental review. The Executive Order directs the applicant to avoid to the extent possible the long and short term impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new</p>

	<p>construction in wetlands, wherever there is a practical alternative. For HUD projects, Executive Order 11990 is implemented by regulations found at 24 CFR Part 55, which also addresses Floodplain Management (see above).</p> <p>Compliance with Executive Order 11990 and 24 CFR Part 55 will be determined for site-specific reviews using the following steps:</p> <p>a) For projects that do not meet the definition of "Substantial improvement" under 55.2(b)(10):</p> <p>Repair projects of single-family properties that do not meet this definition are exempt from the 8-step decision-making process described at 24 CFR 55.20, per 55.12(b)(2). If so, the ERR will contain 1) a copy of the NWI map showing the project location and immediate surroundings, annotated with the projects location and approximate property boundaries, and 2) documentation showing the cost of the repairs and the basis for determining its value. If the project meets these requirements, no further evaluation under 24 CFR Part 55 is required beyond also documenting the project's floodplain status (see above). Otherwise, proceed to step b).</p> <p>b) For projects meeting the definition of "Substantial improvement" under 55.2(b)(10):</p> <p>Determine if any of the activities comprising the project involve ground disturbance.</p> <p>1) If project activities do not include ground disturbance, there exists no potential for "new construction" as defined in Executive Order 11990 and 24 CFR 55.2(b)(8).</p> <p>i) If the project site is located entirely outside the floodplain (see Floodplain Management, above), all that is required is to add to the ERR documentation evidencing the lack of ground-disturbing activities and a copy of the NWI Map (see below).</p> <p>ii) If the project is located within the floodplain, formal evaluation of the presence or absence of wetlands is necessary to determine compliance with the requirements of 24 CFR Part 55 - proceed to step c).</p>
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		<p>2) If project activities include ground disturbing activities, formal evaluation of the presence or absence of wetlands is necessary to determining compliance with the requirements of 24 CFR Part 55 - proceed to step c).</p> <p>c) Wetlands Identification Protocol:</p> <p>24 CFR 55.2(b)(11)(ii) prescribes the primary screening tool to determine if the project site is located in proximity to wetlands and use of the NW maps produced by the US Fish and Wildlife Service (FWS). It is important to understand that NWI maps are not intended as an authoritative and definitive list of the locations and extent of all wetlands, but rather were designed as indicators of potential or probable wetlands areas. Where a NWI map identifies a potential or probable wetland, additional steps are necessary to confirm their presence and fully define their extent. When identification of wetlands is necessary, the following steps will be taken:</p> <p>1) If the project site is located within an area designated on NWI maps as wetlands, FWS staff will be consulted to determine the nature and extent of the wetland(s) area. If FWS staff are unavailable or unable to provide definitive information in a timely manner, an appropriately qualified wetlands professional will be consulted.</p> <p>2) For projects where NWI maps show no indication of wetlands on or adjacent to the site, yet streams (intermittent or perennial), creeks, rivers, ponds, or other areas frequently or intermittently covered with water are located on or adjacent to the site, Natural Resource Conservation Service Web Soil Survey maps and, where available, equivalent resources provided by local or state governments will be reviewed to determine if soils having hydric ratings are known or suspected to exist on the project site. If so, a qualified wetlands professional will be consulted to determine the absence or existence and extent of wetlands on the project site.</p> <p>3) If no wetlands are identified on the project site, the project is in compliance with Executive Order 11990. The ERR will include documentation supporting the review and</p>
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		<p>evaluation of relevant information.</p> <p>4) If wetlands are identified on the project site, proceed to step d).</p> <p>d) There are identified wetlands located on the project site, the project represents a substantial improvement under 24 CFR 55.2(b)(10), and consists of ground-disturbing activities:</p> <p>1) For projects where the 100-year floodplain, including the floodway or coastal high hazard area, or wetlands occupies only incidental portions of the project site, the requirements of 55.12(c)(7) will be evaluated. If those requirements are met, 24 CFR Part 55 is not applicable and no additional evaluation under Part 55 is required, aside from Floodplain Management requirements noted above. Otherwise, continue to step e).</p> <p>e) The 8-step decision making process described at 24 CFR 55.20, including the requisite analyses, determinations, and public notifications will be performed and documented within the ERR.</p> <p>In addition to the HUD requirements, projects impacting wetlands may require USACE or State Water Quality program authorization prior to beginning construction.</p>
<p><b>Wild and Scenic Rivers</b></p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>No National Wild or Scenic Rivers are located in Knox County, Tennessee according to the National Wild and Scenic River System in the US. Only the Obed River located approximately 40 miles west of Knoxville/Knox County is listed as a National Wild and Scenic River (see attached map in Appendix C). Segments of both the Holston and French Broad rivers within Knox County (and adjacent to Knoxville corporate limits) are listed on the Nationwide Rivers Inventory and are therefore afforded protections under this law. However, projects consisting only of rehabilitation of existing homes are not "Water Resources" projects, capable of affecting the free-flowing nature of river segments, and also do not have capacity to affect the viewshed from protected segments. Therefore, these projects are in compliance with the Wild and Scenic Rivers Act</p>

		of 1968 and further consideration of this law is unnecessary.
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	To be addressed in a site-specific review. See the sections for this law within the "Site-Specific Compliance Strategy" and Site-Specific checklist

Attach supporting documentation as necessary, including a site-specific checklist.

**Determination:**

- Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

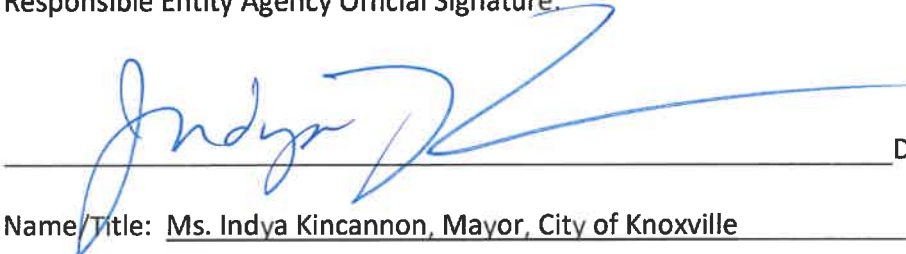


Preparer Signature:

Date: August 21, 2020

Name/Title/Organization: Jessica Lindbom, Quantum Environmental and Engineering Services, LLC

Responsible Entity Agency Official Signature:



Date: 9/8/2020

Name/Title: Ms. Indya Kincannon, Mayor, City of Knoxville

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**This document represents the Tier 1 or Broad-Level review *only*. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.**

APPROVED AS TO FORM:



CHARLES W. SWANSON  
LAW DIRECTOR





		of 1968 and further consideration of this law is unnecessary.
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	To be addressed in a site-specific review. See the sections for this law within the "Site-Specific Compliance Strategy" and Site-Specific checklist

Attach supporting documentation as necessary, including a site-specific checklist.

**Determination:**

- Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.



Preparer Signature:

Date: August 21, 2020

Name/Title/Organization: Jessica Lindbom, Quantum Environmental and Engineering Services, LLC

Responsible Entity Agency Official Signature:

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

Name/Title: Ms. Indya Kincannon, Mayor, City of Knoxville

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**This document represents the Tier 1 or Broad-Level review *only*. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.**





U.S. Department of Housing and Urban  
Development  
451 Seventh Street, SW  
Washington, DC 20410  
www.hud.gov

espanol.hud.gov

## **Tier 2 (Site-Specific) Tiered Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5 Pursuant to 24 CFR Part 58.35(a)(3)**

This document represents the Tier 2, Site Specific, review of the project identified below, and contains only information relevant to the identified site and activities, along with compliance determinations and supporting documentation not provided within the Tier 1, or broad level, portion of this review. Please refer to the Tier 1 Broad-Level environmental review record, *“City of Knoxville Housing and Neighborhood Development, Tiered Environmental Review for Repair, Rehabilitation, or Renovation of Single-Family Residential Properties, FYs 2020-2024”* for general program information and supporting documentation for compliance determinations made previously.

### **Note to the Preparer:**

The complete Environmental Review Record (ERR) for the project at this specific site is comprised of both, the Tier 2 review documentation (this form/checklist and all supporting docs), as well as the Tier 1 review documentation. If these components of the complete ERR are stored separately, each document should provide members of the public with instructions adequate to locate the other for their review.

### **Specific Project Information**

**Specific Project Name:**

**Responsible Entity (RE):**

**State/Local Identifier:**

**Site-Specific Review Preparer:**

**Certifying Officer:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location: Address of Specific Project**

**Additional Location Information:**

**Description of the Proposed Specific Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

**Approximate size of the Specific Project site:**

**Number of units at the Specific Project site:**

**Project-Specific Funding Information**

<b>Grant Number</b>	<b>HUD Program</b>	<b>Program Name</b>	<b>Funding Amount</b>

**Estimated Total HUD Funded Amount:**

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:**

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies**

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR 58.5, and 58.6	Are formal compliance steps or mitigation required?	Compliance Determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input type="checkbox"/>	<p>This will be addressed in a site-specific review.</p> <p>HUD regulations provide the following definition for Civil Airport: <i>“An existing commercial service airport as designated in the National Plan of Integrated Airport Systems prepared by the Federal Aviation Administration in accordance with section 504 of the Airport and Airway Improvement Act of 1982.”</i></p> <p>Except for projects that will not be frequently used or occupied by people, HUD policy is to deny HUD assistance, subsidy, or insurance for any project involving new construction, substantial or major modernization and rehabilitation (applies to any repair activities not meeting the definition of maintenance per Notice CPD-16-02) or any other activity or program that significantly prolongs economic or physical life of existing facilities located within Runway Protection Zones (RPZ) at civil airports or Clear Zones (CZ) at military airfields.</p> <p>HUD regulations for this authority provide that if a project is not located within 2,500 feet of a civil airport or 15,000 feet of a military airfield, the project is in compliance with this authority. The potential project area is defined as the area within the corporate limits of Knox County. Two airports service Knox County: McGhee Tyson Airport which is located in Blount County, approximately three miles south and outside of Knox County, and Island Home Airport, which is located in downtown Knoxville. Island Home Airport is included in the National Plan of Integrated Airport Systems for 2011–2015, which categorized it as a reliever airport. Although most U.S. airports use the same three-letter location identifier for the FAA and IATA, this airport is assigned DKX by the FAA, but has no designation from the IATA. All projects analyzed under this tiered environmental review will be</p>

		reviewed for proximity within 2,500 feet of Island Home Airport boundaries. If a project site is found to be within that area of concern, the airport operator will be consulted to determine if the site is located within any of its defined RPZ. If a site is determined to be located within an RPZ, the project will be rejected. See attached map in Appendix C of airport locations in relation to the city and the Knox county boundaries.
<b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.</i>
<b>Flood Insurance</b>  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes    No <input type="checkbox"/> <input type="checkbox"/>	The City will use the latest version of the Flood Insurance Maps issued by the Federal Emergency Management Agency (FEMA) to assess the flood designation for the proposed activity. Compliance with this part will be addressed through a Tier II Site-Specific Environmental Review checklist as referenced below and determine if the specific site is within a FEMA designated "Special Flood Hazard Area" (SFHA). A copy of the flood map depicting the Site shall be placed in the Environmental Review. In general, no rehabilitation or individual action will take place in a floodway.  <a href="https://www.hudexchange.info/resources/documents/Flood-Insurance-Worksheet.docx">https://www.hudexchange.info/resources/documents/Flood-Insurance-Worksheet.docx</a>
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5</b>		
<b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.</i>
<b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) & (d)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<i>Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.</i>

<p><b>Contamination and Toxic Substances</b></p> <p>24 CFR Part 50.3(i) &amp; 58.5(i)(2)]</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>A determination will be secured by using the NEPassist tool within the EPA website. This tool will indicate if the proposed site is located on or within 3,000 feet of an area that contains or may have contained hazardous waste (Superfund Clean-up site, Brownfields). Reviewing the Enforcement &amp; Compliance section of the website will allow this determination to be made. The following worksheet is recommended:  <a href="https://www.hudexchange.info/resources/documents/Site-Contamination-Single-Family-Worksheet.docx">https://www.hudexchange.info/resources/documents/Site-Contamination-Single-Family-Worksheet.docx</a></p>
<p><b>Endangered Species</b></p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>HND has in place an agreement with the USFWS for Clearance to Proceed with certain projects that meet criteria spelled out in the letter included in Appendix D. HND will follow USFWS Information for Planning and Consultation (IPaC) protocol for any projects which include ground disturbance or vegetation removal and may potentially affect endangered species. The following worksheet is recommended:  <a href="https://www.hudexchange.info/resources/documents/Endangered-Species-Act-Worksheet.docx">https://www.hudexchange.info/resources/documents/Endangered-Species-Act-Worksheet.docx</a></p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>If the project does not consist of increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable, then this item is not applicable. However, if the project consists of increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable, and is planned within 1-mile of an above ground storage tank (100-gallon capacity or greater), the City shall contact HUD for further guidance and/or conduct analyses using the handbook Siting of HUD-Assisted Projects Near Hazardous Facilities. Projects may be located near or in an area exposed to thermal/explosive hazard if the activity is beyond the Acceptable Separation Distance (ASD) from the hazard under HUD safety standards or when proper mitigating measures are taken as set forth in 24 CFR §51C. Any project with new construction proposed at a site which falls within the ASD of a thermal or explosive hazard must be rejected. If there are no above ground storage tanks located within 1-mile of the project site, the City shall document the findings by including site visit notes, emergency agency correspondence, and copies of maps or aerial photographs reviewed within the ERR. The following worksheet is recommended:  <a href="https://www.hudexchange.info/resources/documents/Explosive-and-Flammable-Facilities-Worksheet.docx">https://www.hudexchange.info/resources/documents/Explosive-and-Flammable-Facilities-Worksheet.docx</a></p>
<p><b>Farmlands Protection</b></p> <p>Farmland Protection</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p><i>Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.</i></p>

<p>Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>		
<p><b>Floodplain Management</b></p> <p>Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes    No  <input type="checkbox"/>   <input type="checkbox"/></p>	<p>This will be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and references for this authority above.</p> <p>The following worksheet is recommended:  <a href="https://www.hudexchange.info/resources/documents/Floodplain-Management-Worksheet.docx">https://www.hudexchange.info/resources/documents/Floodplain-Management-Worksheet.docx</a></p>
<p><b>Historic Preservation</b></p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes    No  <input type="checkbox"/>   <input type="checkbox"/></p>	<p>Section 106 of the National Preservation Act of 1966 (NHPA), as amended, mandates that agencies with jurisdiction over federally assisted activities afford the National Advisory Council on Historic Preservation (NACHP) and the State Historic Preservation Officer (SHPO) a reasonable opportunity for comment on a project's impact on historic properties. Pursuant to HUD's guidelines on compliance with the Section 106 review process (36 CFR Part 800), the City of Knoxville is operating under an individual Programmatic Agreement (PA) that includes the Knoxville-Knox County Planning (KKCP) Department and the SHPO (see attached agreement in Appendix D). As per this programmatic agreement, all properties that are 45 years and older will be reviewed under Section 106 of the NHPA of 1966 by the KKCP. These services will include homeowner rehabilitation, rental rehabilitation, HVAC replacement, and down-payment assistance. If any of these activities are determined by KKCP to impact a historic structure or area (either by letter or map), additional information will be submitted to KKCP for review and comment in accordance with the MOA. If approved by KKCP, the package is submitted to SHPO for concurrence. The following worksheet is recommended:  <a href="https://www.hudexchange.info/resources/documents/Historic-Preservation-Worksheet.docx">https://www.hudexchange.info/resources/documents/Historic-Preservation-Worksheet.docx</a></p>
<p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes    No  <input type="checkbox"/>   <input type="checkbox"/></p>	<p>This will be addressed in a site-specific review. See the sections for this law within the “Site-Specific Compliance Strategy” and references for this authority above.</p> <p>The following worksheet is recommended:  <a href="https://www.hudexchange.info/resources/documents/Noise-Abatement-and-Control-CEST-Worksheet.docx">https://www.hudexchange.info/resources/documents/Noise-Abatement-and-Control-CEST-Worksheet.docx</a></p>



<p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p><i>Compliance determination and supporting documentation are contained within the Tier 1 (Broad-Level) review record, referenced above.</i></p>
<p><b>Wetlands Protection</b></p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input type="checkbox"/></p>	<p>This will be addressed in a site-specific review.</p> <p>Executive Order 11990 requires all federal executive agencies to refrain from supporting construction in wetlands wherever there is a practical alternative. Section 10 of Executive Order 11990 authorizes that responsibility applicable to projects covered by Section 104 (h) of the Housing and Community Development Act of 1974 may be assumed by the applicant if the applicant had also assumed all the responsibilities for environmental review. The Executive Order directs the applicant to avoid to the extent possible the long and short term impacts associated with the destruction or modification of wetlands, and to avoid direct or indirect support of new construction in wetlands, wherever there is a practical alternative. For HUD projects, Executive Order 11990 is implemented by regulations found at 24 CFR Part 55, which also addresses Floodplain Management (see above).</p> <p>Compliance with Executive Order 11990 and 24 CFR Part 55 will be determined for site-specific reviews using the following steps:</p> <p>a) For projects that do not meet the definition of "Substantial improvement" under 55.2(b)(10):</p> <p>Repair projects of single-family properties that do not meet this definition are exempt from the 8-step decision-making process described at 24 CFR 55.20, per 55.12(b)(2). If so, the ERR will contain 1) a copy of the NWI map showing the project location and immediate surroundings, annotated with the projects location and approximate property boundaries, and 2) documentation showing the cost of the repairs and the basis for determining its value. If the project meets these requirements, no further evaluation under 24 CFR Part 55 is required beyond also documenting the project's floodplain status (see above). Otherwise, proceed to step b).</p> <p>b) For projects meeting the definition of Substantial improvement" under 55.2(b)(10):</p> <p style="padding-left: 40px;">Determine if any of the activities comprising the project involve ground disturbance.</p>

		<p>1) If project activities do not include ground disturbance, there exists no potential for "new construction" as defined in Executive Order 11990 and 24 CFR 55.2(b)(8).</p> <p>i) If the project site is located entirely outside the floodplain (see Floodplain Management, above), all that is required is to add to the ERR documentation evidencing the lack of ground-disturbing activities and a copy of the NWI Map (see below).</p> <p>ii) If the project is located within the floodplain, formal evaluation of the presence or absence of wetlands is necessary to determine compliance with the requirements of 24 CFR Part 55 - proceed to step c).</p> <p>2) If project activities include ground disturbing activities, formal evaluation of the presence or absence of wetlands is necessary to determining compliance with the requirements of 24 CFR Part 55 - proceed to step c).</p> <p>c) Wetlands Identification Protocol:</p> <p>24 CFR 55.2(b)(11)(ii) prescribes the primary screening tool to determine if the project site is located in proximity to wetlands and use of the NW maps produced by the US Fish and Wildlife Service (FWS). It is important to understand that NWI maps are not intended as an authoritative and definitive list of the locations and extent of all wetlands, but rather were designed as indicators of potential or probable wetlands areas. Where a NWI map identifies a potential or probable wetland, additional steps are necessary to confirm their presence and fully define their extent. When identification of wetlands is necessary, the following steps will be taken:</p> <p>1) If the project site is located within an area designated on NWI maps as wetlands, FWS staff will be consulted to determine the nature and extent of the wetland(s) area. If FWS staff are unavailable or unable to provide definitive information in a timely manner, an appropriately qualified wetlands professional will be consulted.</p> <p>2) For projects where NWI maps show no indication of wetlands on or adjacent to the site, yet streams (intermittent or perennial), creeks, rivers, ponds, or other areas frequently or intermittently covered with water are located on or adjacent to the site, Natural Resource Conservation Service Web Soil Survey maps and, where available, equivalent resources provided by local or state governments will be reviewed to determine if soils having hydric ratings are known or suspected to exist on the project site. If so, a qualified wetlands professional will be consulted to determine the absence or existence and extent of wetlands on the project site.</p>
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		<p>3) If no wetlands are identified on the project site, the project is in compliance with Executive Order 11990. The ERR will include documentation supporting the review and evaluation of relevant information.</p> <p>4) If wetlands are identified on the project site, proceed to step d).</p> <p>d) There are identified wetlands located on the project site, the project represents a substantial improvement under 24 CFR 55.2(b)(10), and consists of ground-disturbing activities:</p> <p>1) For projects where the 100-year floodplain, including the floodway or coastal high hazard area, or wetlands occupies only incidental portions of the project site, the requirements of 55.12(c)(7) will be evaluated. If those requirements are met, 24 CFR Part 55 is not applicable and no additional evaluation under Part 55 is required, aside from Floodplain Management requirements noted above. Otherwise, continue to step e).</p> <p>e) The 8-step decision making process described at 24 CFR 55.20, including the requisite analyses, determinations, and public notifications will be performed and documented within the ERR.</p> <p>In addition to the HUD requirements, projects impacting wetlands may require USACE or State Water Quality program authorization prior to beginning construction.</p> <p>The following worksheet is recommended:  <a href="https://www.hudexchange.info/resources/documents/Wetlands-Protection-Worksheet.docx">https://www.hudexchange.info/resources/documents/Wetlands-Protection-Worksheet.docx</a></p>
<p><b>Wild and Scenic Rivers</b></p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>No National Wild or Scenic Rivers are located in Knox County, Tennessee according to the National Wild and Scenic River System in the US. Only the Obed River located approximately 40 miles west of Knoxville/Knox County is listed as a National Wild and Scenic River (see attached map in Appendix C). Segments of both the Holston and French Broad rivers within Knox County (and adjacent to Knoxville corporate limits) are listed on the Nationwide Rivers Inventory and are therefore afforded protections under this law. However, projects consisting only of rehabilitation of existing homes are not "Water Resources" projects, capable of affecting the free-flowing nature of river segments, and also do not have capacity to affect the viewshed from protected segments. Therefore, these projects are in compliance with the Wild and Scenic Rivers Act of 1968 and further consideration of this law is unnecessary.</p> <p><a href="https://www.rivers.gov/tennessee.php">https://www.rivers.gov/tennessee.php</a></p>

		<a href="https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm">https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Project sites are not anticipated to adversely affect low- and moderate-income citizens. Instead, the projects are designed to enhance low- and moderate-income families. The City will not fund projects in areas of potential contamination (e.g. noise, toxic or hazardous operations, Brownfields, etc.). If projects are determined to be planned on or near these types of properties, then the City will provide mitigation or choose an alternative site. The following worksheet is recommended: <a href="https://www.hudexchange.info/resources/documents/Environmental-Justice-Worksheet.docx">https://www.hudexchange.info/resources/documents/Environmental-Justice-Worksheet.docx</a>

**Determination:**

- Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Ensure that all supporting documentation for determinations made at this level are attached to this document.

		<a href="https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm">https://www.nps.gov/subjects/rivers/nationwide-rivers-inventory.htm</a>
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b>  Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	Project sites are not anticipated to adversely affect low- and moderate-income citizens. Instead, the projects are designed to enhance low- and moderate-income families. The City will not fund projects in areas of potential contamination (e.g. noise, toxic or hazardous operations, Brownfields, etc.). If projects are determined to be planned on or near these types of properties, then the City will provide mitigation or choose an alternative site. The following worksheet is recommended: <a href="https://www.hudexchange.info/resources/documents/Environmental-Justice-Worksheet.docx">https://www.hudexchange.info/resources/documents/Environmental-Justice-Worksheet.docx</a>

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Preparer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name/Title/Organization: \_\_\_\_\_

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Ensure that all supporting documentation for determinations made at this level are attached to this document.



**APPENDIX C**  
**DOCUMENTATION**



U.S. Fish and Wildlife Service

# Coastal Barrier Resources System

# State Map Boundary - Compliance



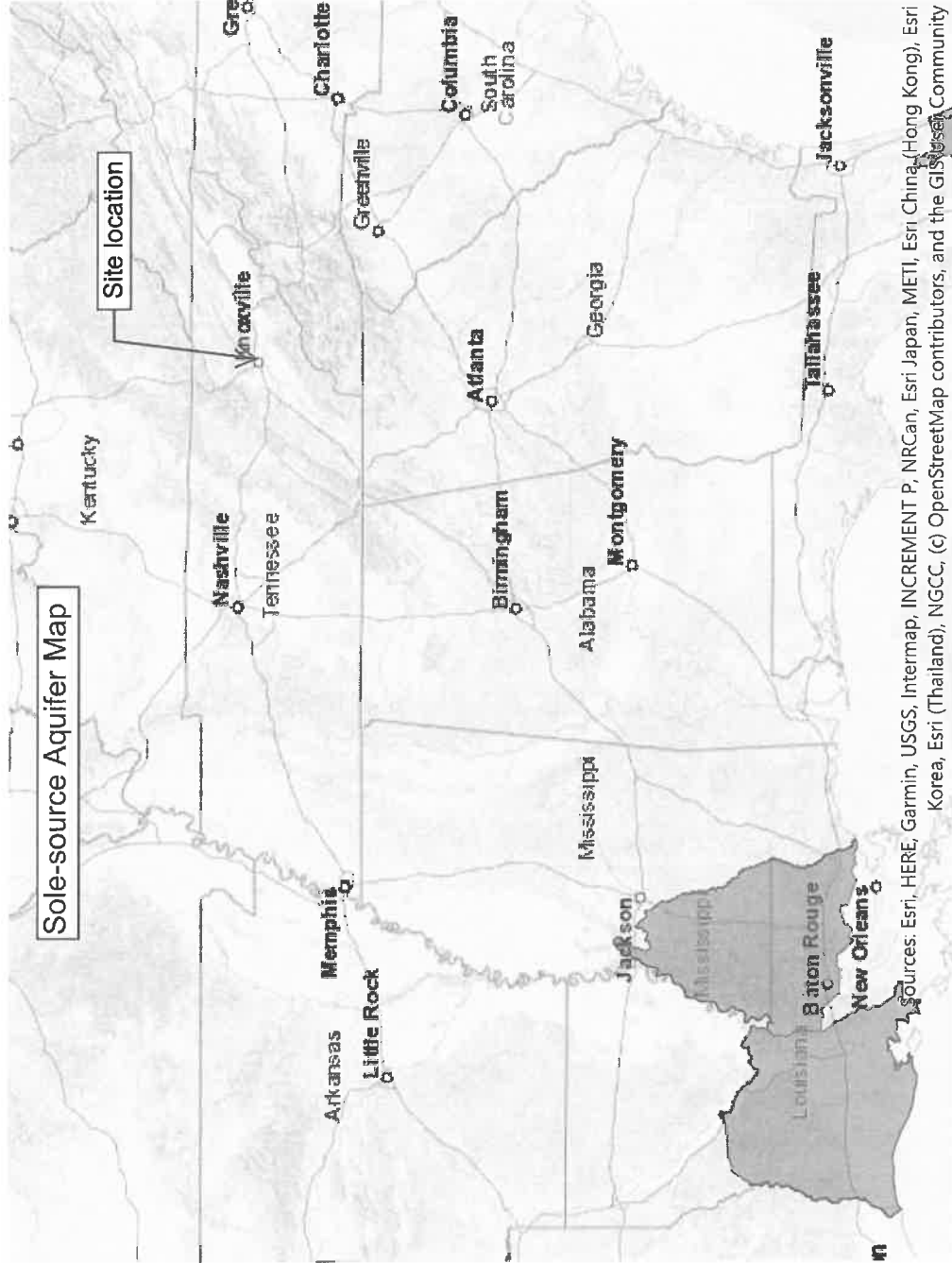
August 21, 2020

This map is for general reference only. The Coastal Barrier Resources System (CBRS) boundaries depicted on this map are representations of the controlling CBRS boundaries, which are shown on the official maps, accessible at <https://www.fws.gov/cbra/maps/index.html>. All CBRS related data should be used in accordance with the layer metadata found on the CBRS Mapper website.

The CBRS Buffer Zone represents the area immediately adjacent to the CBRS boundary where users are advised to contact the Service for an official determination (<https://www.fws.gov/cbra/Determinations.html>) as to whether the property or project site is located "in" or "out" of the CBRS.

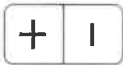
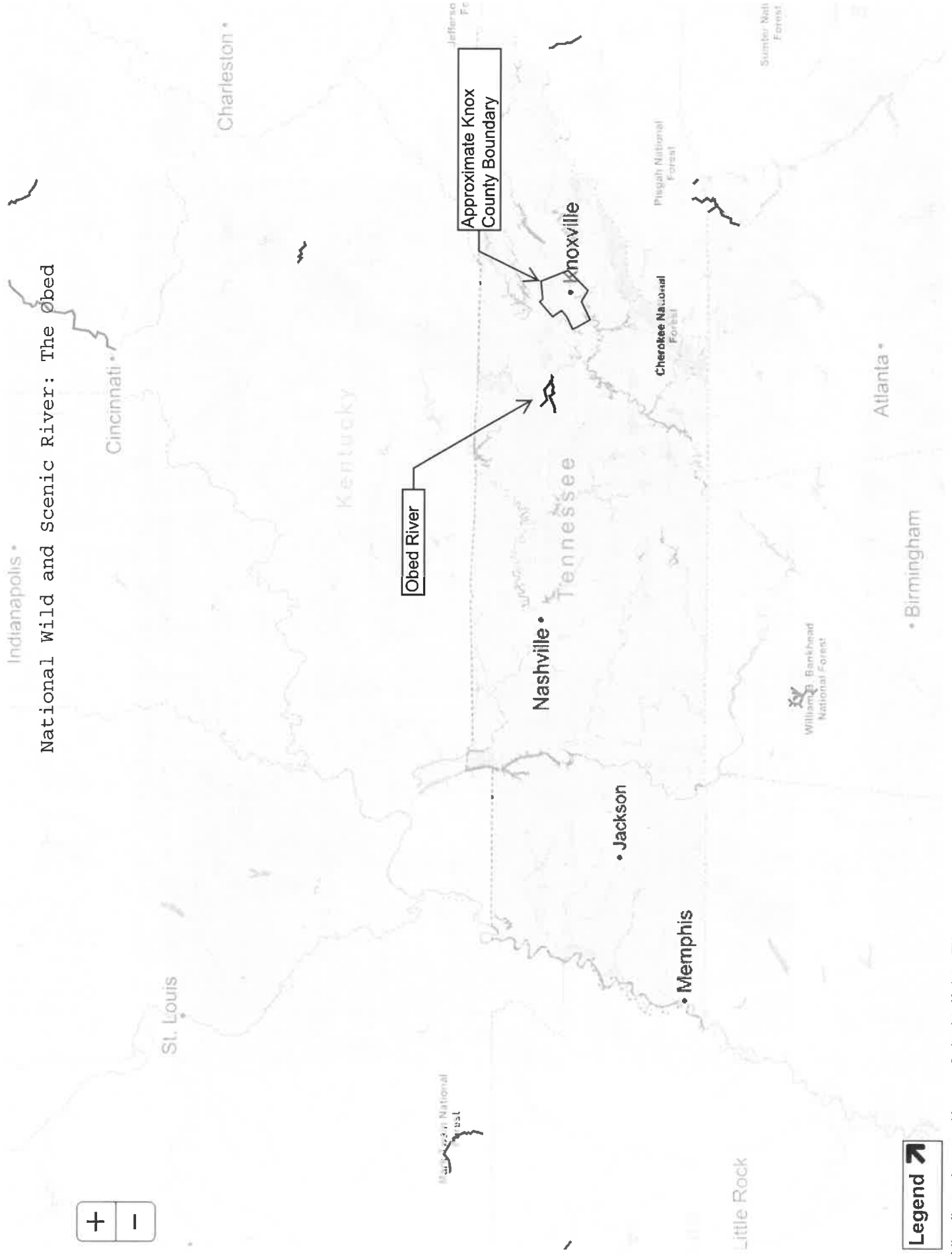
CBRS Units normally extend seaward out to the 20- or 30-foot bathymetric contour (depending on the location of the unit). The true seaward extent of the units is not shown in the CBRS mapper.





Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

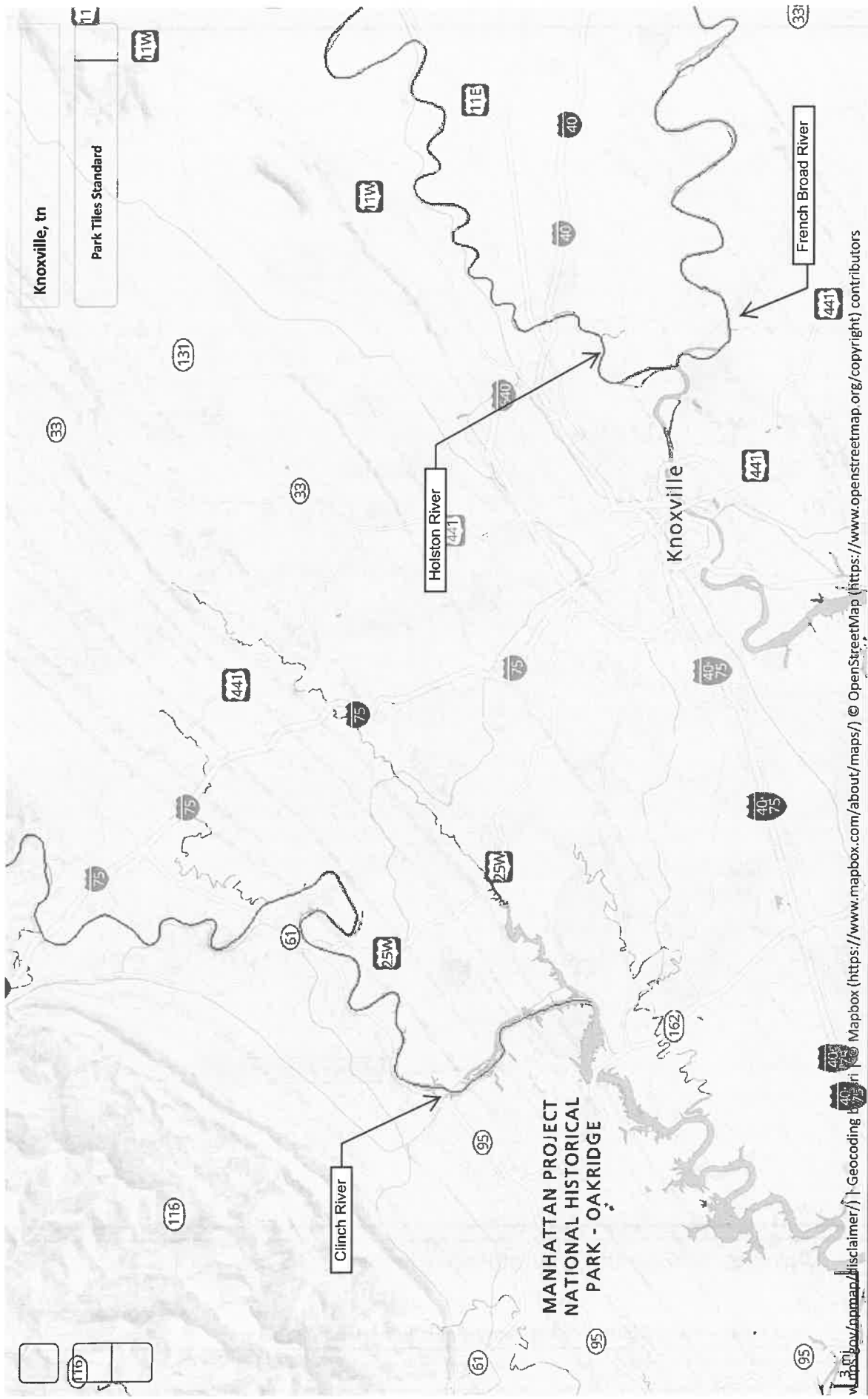
# National Wild and Scenic River: The Obed

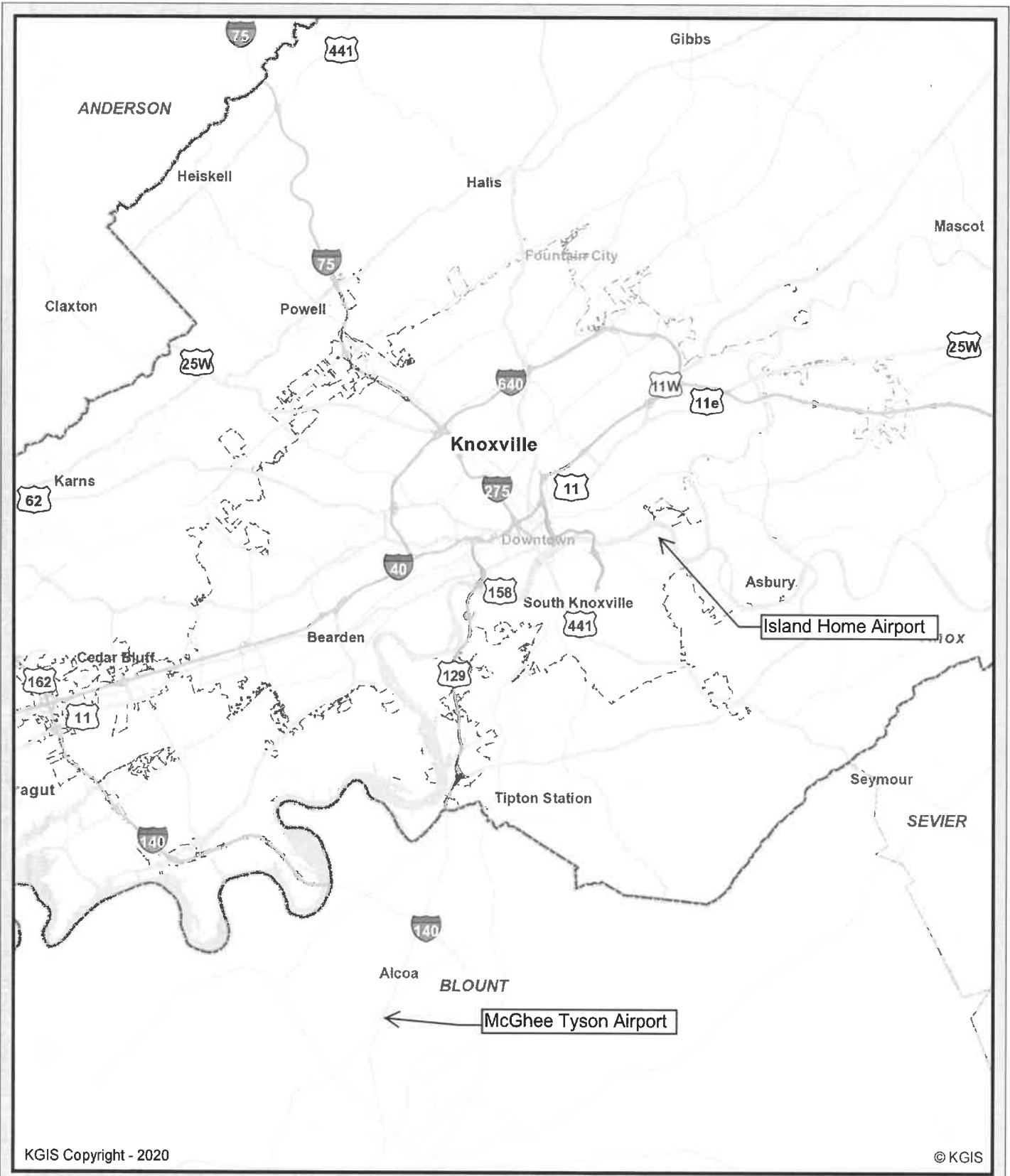


# Nationwide Rivers Inventory

National Park Service  
U.S. Department of the Interior

This is a listing of more than 3,200 free-flowing river segments in the U.S. that are believed to possess one or more ...





KGIS Copyright - 2020

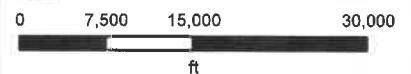
© KGIS

### Airports serving the City of Knoxville/Knox County

Knoxville - Knox County - KUB Geographic Information System



Printed: 4/16/2020 at 12:35:05 PM



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**APPENDIX D**

**PROGRAMMATIC AGREEMENTS  
AND  
CLEARANCE CORRESPONDENCE**

**PROGRAMMATIC AGREEMENT  
AMONG THE TENNESSEE STATE HISTORIC PRESERVATION OFFICER, THE  
CITY OF KNOXVILLE, AND KNOXVILLE-KNOX COUNTY PLANNING, REGARDING  
KNOXVILLE, TENNESSEE PROGRAMS FUNDED BY THE U.S. DEPARTMENT OF  
HOUSING AND URBAN DEVELOPMENT PURSUANT TO 36 CFR SECTION 800.6(a)**

WHEREAS, the City of Knoxville (City) administers the Community Development Block Grant (CDBG) Program, Public Housing Program, the HOME Investment Partnership Program, the Emergency Solutions Grant, the Section 108 Loan Program, and the Housing Opportunities for People with AIDS (HOPWA) Program, the Lead Hazard Control Grant, and any future United States Department of Housing and Urban Development (HUD) program-funded activities (Programs); and

WHEREAS, the City is acting as the responsible entity in accordance with HUD's environmental regulations at 24 CFR Part 58.4 and as such, is responsible for compliance with Section 106 of the National Historic Preservation Act; and

WHEREAS, the City has determined that the administration of the Programs may have an effect upon properties listed on or eligible for the National Register of Historic Places (National Register) and has consulted with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800.1 of the Council's regulations implementing Section 106 of the National Preservation Act (16 U.S.C. 470f), and

WHEREAS, Knoxville-Knox County Planning (KKCP) maintains an ongoing survey in Knoxville and Knox County of districts, sites, buildings, structures, and object (hereafter "properties") that may meet the criteria for listing in the National Register in accordance with the criteria for Determinations of Eligibility for Inclusion in the National Register of Historic Places [36 CFR 800.2 C (2)], and

NOW, THEREFORE, the SHPO, the City, and KKCP agree that the Programs shall be administered in accordance with the following stipulations to satisfy the City's Section 106 responsibilities for all individual undertakings of the Programs.

**STIPULATIONS**

The City will ensure that the following measures are carried out.

**1. Professional Qualifications**

The SHPO will review and approve the credentials of KKCP professional staff to confirm they meet the qualifications published in Appendix A to 36 CFR Part 61 and to ensure the application of the Standards.

## **2. Identification**

The following stipulations for identification and treatment apply only to undertakings with no ground-disturbing activities.

The City will notify KKCP staff of all districts, sites, buildings, structures, and objects (hereafter "properties") that are forty-five (45) years old or older that are located within the boundaries of targeted priority neighborhoods and other project areas slated for Program activities. The City will provide current photographs of properties that are forty-five years old or older to KKCP staff. KKCP staff (meeting the qualifications published in Appendix A to 36 CFR Part 61) will confirm the properties' age and survey the properties at the reconnaissance level. KKCP will be responsible for maintaining current information on local historic zoning overlays, NRHP listings, and neighborhood information as needed. KKCP will consult survey files; GIS maps documenting past historic resource surveys, local zoning overlays and NRHP sites; and also survey at the reconnaissance level the surrounding neighborhood context.

Properties that may be affected by HUD-funded programs will be evaluated by KKCP for National Register eligibility in consultation with the SHPO. KKCP staff will submit a location map, current photographs, and any historical information gathered on the properties to SHPO staff. If the SHPO's opinion is not rendered within 30 days of the submission of adequate documentation, it will be assumed that the SHPO is in agreement with KKCP's determination of eligibility. In the event that the City and the SHPO cannot agree on the eligibility of a property, the City will request a determination of eligibility from the Keeper of the National Register of Historic Places in accordance with 36 CFR 800.3. Documentation on all determinations will be retained by the City and will be available to the SHPO.

## **3. Treatment**

Above-ground properties that KKCP and the SHPO agree are eligible, determined to be eligible, nominated, or listed in the National Register will be treated in the manner listed below. KKCP will review each activity to determine if the property lies within a National Register historic district or a locally designated historic or neighborhood conservation zoning district.

### **REHABILITATION**

(a) The City will rehabilitate properties in accordance with The Secretary of the Interior's "Standards for the Rehabilitation of and Guidelines for Rehabilitating Historic Buildings" (36 CFR 67.7) (hereafter "Standards").

(b) City of Knoxville Community Development, the City entity that administers the HUD programs, will supervise all rehabilitation. All documentation, including work write-ups, bid documents, architectural plans, and photographs taken prior to the start of rehabilitation, will be reviewed by a professional with training and experience in

rehabilitation supervision of historic properties and the application of the Standards to ensure conformance. This professional will be an employee of KKCP. The SHPO will have the right to review and approve the credentials of that employee in accordance with the qualifications published in Appendix A to 36 CFR Part 61.

(c) City staff will send a request for preliminary review to KKCP for rehabilitation projects involving all buildings that are at least 45 years old or are within a local historic or neighborhood conservation zoning overlay district. KKCP staff will review the proposed scope of work to determine if it meets the activities included in the below list of "Activities Exempt from Further Review."

(d) If the proposed scope of work is included on the below list of "Activities Exempt from Further Review," KKCP staff may determine that the work does not require further consultation with the SHPO.

(e) On properties at least 45 years old, all rehabilitation work not included in the below list of "Activities Exempt from Further Review" will be submitted to the SHPO for review within the procedures set forth at 36 CFR Part 800 of the Council's regulations.

(f) For rehabilitation work not included in the list of excluded activities (Stipulation 5), on all properties determined eligible for or listed on the NRHP, the City will consult with the SHPO and initiate the procedures set forth at 36 CFR Part 800.5 of the Council's regulations. If KKCP has received a determination of not eligible for a resource, no further review is required provided that the SHPO issued that determination within the past ten (10) years and no new information has come to light.

(g) The documentation for each rehabilitation project will be retained by the City as part of the permanent project files and will be reviewed by the SHPO on an agreed-upon periodic basis.

## **NEW CONSTRUCTION**

(a) The City will require designs for buildings slated for new construction within or adjacent to historic districts either listed on, or eligible for, the National Register or adjacent to properties that are individually eligible for or listed in the National Register to adhere to the Standards and be compatible with the overall character of the historic district or adjacent historic properties in terms of height, scale, massing, setback, color, materials, and details. Preliminary plans will be submitted to the SHPO for approval.

(b) The final design will be consistent with the preliminary plans approved by the SHPO, as modified to address any SHPO recommendations. If the plans cannot be modified and the SHPO determines there is an adverse effect, then the City will follow the steps laid out in 36 CFR 800.6 to resolve the adverse effects. If the City disagrees with the SHPO concerning the determination of an adverse effect, then the City will request the Council's comments in accordance with 36 CFR 800.5(c)(3)(i).



(c) Additions to structures that are eligible for or listed on the National Register of Historic Places, whether individually or as part of a historic district, will adhere to the Standards and be consistent with guidelines in the National Park Service's Preservation Brief #14, "New Exterior Additions to Historic Buildings: Preservation Concerns." Prior to beginning construction, all plans and drawings will be submitted to the SHPO for review and approval.

## **DEMOLITION**

(a) The City will send all demolition proposals to KKCP for review and comment.

(b) KKCP will review the property for age and evaluate potential National Register eligibility and render a formal determination to the City and the SHPO.

(c) City staff will submit to the SHPO for review all proposed demolitions consult with the SHPO pursuant to the requirements of 36 CFR Part 800.

## **4. Training**

The SHPO will provide training in the application of the Standards for City personnel, and other personnel as requested by the City, on a schedule to be arranged between the parties.

## **5. Activities Exempt from Further Review**

If the City determines that program activities will involve properties less than forty-five (45) years old and not eligible under Criteria Consideration G of the National Register, no further review is required, including evaluation of the property for National Register eligibility.

For the purposes of the following stipulation, "in-kind" means "installation of a new element that duplicates the material, dimensions, configuration, profile, and detailing of the original element."

In addition, for properties that are forty-five (45) years old or older, the below listed rehabilitation activities may not require further consultation with the SHPO. Information on each property over 45 years old and the proposed scope of work will be submitted to qualified KKCP staff. KKCP staff will review the property and scope of work and determine the property's National Register status using the above Identification process and determine if the proposed work qualifies as an activity exempt from further review. KKCP staff can recommend the City to initiate consultation with the SHPO pursuant to the requirements of 36 CFR 800 on a case-by-case basis:

- a) Exterior work, to include:
  - i. Electrical work (upgrading, repair, or in-kind replacement);
  - ii. Plumbing work (upgrading, repair, or in-kind replacement);

- iii. Repair or replacement of heating and ventilation systems where no structural alteration is involved;
- iv. Painting surfaces that have already been painted;
- v. Repair or replacement of roofs (when a potential health and safety hazard exists), gutters, porch elements, or cornices, when the repair or replacement is done in-kind to match existing material and form;
- vi. Caulking;
- vii. Repair to an existing accessibility ramp;
- viii. Reconstruction of an existing accessibility ramp provided that the reconstruction is in-kind and does not cause any new ground disturbance;
- ix. Replacement of non-historic doors on non-character-defining elevations;
- x. Repair to, or replacement of, non-historic screen doors;
- xi. Replacement of non-historic replacement windows that were replaced within the last forty (40) years;
- xii. Repair to historic windows;
- xiii. Modifications to driveways and sidewalks;
- xiv. In-kind repair of steps

b) Interior work, to include:

- i. Weatherization activities, including weather-stripping, roof insulation, and Insulation of basements and interior walls;
- ii. Interior surface treatments, including repainting, refinishing, repapering or installing carpet or linoleum, provided no original feature significant to the historic character of the structure is altered or lost;
- iii. Repair to flooring;
- iv. Repair of plaster walls and ceilings by patching plaster where possible, and replacement of interior deteriorated plaster with drywall, provided plaster does not have original decorative details;
- v. Replacement of original lighting fixtures for safety or efficiency, when those fixtures are not character-defining features;
- vi. Replacement of damaged interior doors that are not character-defining features with replacement doors similar in design and size;
- vii. Accessibility modifications, including widening of interior doors (when widening doors does not alter character-defining floor plans; or damage or remove any historic interior features), lowering kitchen and bathroom counters;
- viii. Replacements to toilets, bathtubs, shower valves, faucets, and similar bathroom fixtures, and associated plumbing;
- ix. Replacements to bathroom fixtures provided no alterations are needed to the floor plan or structure of the building;
- x. Replacement of kitchen fixtures provided no alterations are needed to the floor plan or structure of building.

## **6. Ground-Disturbing Activities**

Ground-disturbing activities include, but are not limited to, utility excavation, new construction, excavation for footing or foundation repair, pond excavation, clearing for demolition, and extensive landscaping.

If ground disturbing activities are proposed by the City, other than in-place repair or replacement of existing water and sewer lines in the same location or areas documented to have been previously disturbed, the City will consult with the SHPO prior to any such activity to determine if the activity has the potential to affect National Register-listed or -eligible properties. If such potential exists, the City will conduct an archaeological survey in accordance with 36 CFR Part 66, Appendices B and C. The report will then be submitted to the SHPO for its review and comment. If archaeological resources are identified which meet the National Register criteria, they will be avoided or preserved in place wherever feasible. If this is not feasible, the SHPO will be consulted and a treatment program consistent with the Council's handbook "Treatment of Archaeological Properties" and approved by the SHPO will be developed and implemented.

## **7. Public Involvement**

Each year through its Annual Action Plan process, which is made available for public inspection, the City will notify the public of: general information on HUD programs, amounts of available HUD funding, the types of activities proposed, and how interested persons can receive further information on the Programs. Projects and activities that require consultation or mitigation under this Programmatic Agreement will require the City to publish a Notice of Intent (NOI) to Request Release of Funds (RROF) from HUD, which includes a public comment period and is available for inspection, and an Obtaining Authority to Use Grant Funds (HUD Form 7015.16) from HUD. Documentation will be made available to the public via hard copy and online.

## **8. Post-Review Discoveries**

The City and KCCP will comply with the post-review discovery requirements defined in 36 CFR 800.13. If a post-review discovery is made, the City and KKCP will coordinate with the SHPO to evaluate discoveries as needed and determine next steps.

## **9. Emergency Situations**

If an emergency situation arises, the City and KKCP will comply with the requirements defined in 36 CFR 800.12. The City and KKCP will coordinate with the SHPO in the event of an emergency situation.

## **10. Monitoring**

The Council and the SHPO may monitor activities carried out pursuant to this Agreement, and the Council will review such activities if so requested. The City will

cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities.

Throughout this agreement, unless otherwise stated, the SHPO shall have thirty (30) days to review and comment on all submittals from City concerning activities covered under this agreement document. Comments received from the SHPO shall be taken into consideration in preparing final plans. City will supply copies of its final findings to the other signatories.

An annual report will be prepared by KKCP and City staff detailing the reviews conducted under the Programmatic Agreement. The annual report will coincide with the end of the City's fiscal year and will be delivered to the SHPO no later than June 30 of each year.

#### **11. Amendments/Termination**

Signatories may propose an amendment to this agreement at any time. Signatories to this agreement may then agree to amend the terms of the agreement document. Such amendment shall be effective upon the signatures of all signatories to this agreement document, and the amendment shall be appended to the agreement document as an attachment.

This agreement will be reviewed annually at the receipt of the annual report. If any signatory determines that the terms of this agreement cannot be or are not being carried out, the signatories shall consult to seek amendment of the agreement. If the agreement is not amended, any signatory may terminate it upon providing the other signatories thirty (30) days written notice.

#### **12. Copies**

The agency official shall provide each consulting party with a copy of the executed agreement.

#### **13. Dispute Resolution**

Should any signatory object in writing within time frames established by this PA to any plans, specifications, determinations, or other activities undertaken pursuant to this PA, the City shall consult with that party, and any other party, to resolve the objection. If the objection is resolved within 14 days, the parties will proceed accordingly. If the City determines within this time frame that the objection cannot be resolved through consultation, the City will request comments from the ACHP pursuant to 36 CFR 800.2(b)(2). The City will take into account any ACHP comments received within 30 days after ACHP receipt of the request, with reference only to the subject in dispute. The signatories are responsible for implementing all actions of this PA that are not subject to dispute. City will promptly provide the other parties with a written resolution.

**14. Duration**


This Programmatic Agreement will continue in force and effect until five (5) years after the date of the last signature. At that time, it will be reviewed by the Signatories to consider an extension, modification, or termination of this Agreement. No extension or modification will be effective unless all Signatories to this Agreement have agreed to it in writing.

Execution of this Agreement among the Tennessee State Historic Preservation Office, the City of Knoxville, and Knoxville-Knox County Planning, and implementation of its terms evidence that the City has taken into account the effects of the undertaking on historic properties, and that the City has complied with its obligations under Section 106 of the National Historic Preservation Act.

**APPROVED AS TO FORM:**

By:  Date: 4-5-20  
Charles Swanson, City of Knoxville Law Director

**KNOXVILLE-KNOX COUNTY PLANNING:**

By:  Date: 4/30/2020  
Gerald Green, Executive Director

**CITY OF KNOXVILLE:**

By:  Date: 4-6-2020  
Indya Kincannon, Mayor

**TENNESSEE STATE HISTORIC PRESERVATION OFFICER:**

By:  Date: 05/05/2020  
E. Patrick McIntyre, Jr., Tennessee State Historic Preservation Officer



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Tennessee ES Office  
446 Neal Street  
Cookeville, Tennessee 38501



July 13, 2020

Ms. Becky Wade  
Director of Community Development  
Housing & Neighborhood Development  
P.O. Box 1631  
Knoxville, Tennessee 37902

Subject: U.S. Fish and Wildlife Service - City of Knoxville Clearance to Proceed with Projects

Dear Ms. Wade:

The U.S. Fish and Wildlife Service (Service) is mandated with the protection and conservation of Federal trust resources, including threatened and endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) (ESA). The City of Knoxville (COK) needs to provide documentation to demonstrate compliance with the ESA for proposed projects prior to a project's approval.

It is recognized that certain categories of COK activities typically result in no adverse impacts to the natural environment and that a detailed project review by the Service is not warranted for such projects. As an aid in determining if a project will have an effect on federally protected species or designated critical habitat under the jurisdiction of the Service, we provide this guidance, relative to the criteria listed below, applicable to many project requests. If the project description falls in one or more of the categories, no further action is required to document compliance under section 7 of the ESA, and additional coordination with our agency is not required. Some of these projects are for administrative procedures only, and do not include any ground or water disturbance, withdrawals, or discharges. Other relatively benign projects include repair, maintenance, or reconstruction of existing facilities on previously developed land. As a result, the following types of projects have been evaluated in accordance with the Fish and Wildlife Coordination Act (16 U.S.C 661 et seq.), and the ESA.

**For all projects where the entirety of the project meets one or more of the criteria listed below, no further coordination with the Service is needed:**

1. Purchasing machinery, equipment, and supplies for use in existing structures and buildings, or installing this equipment (e.g., meters).

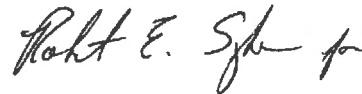
2. Financing or refinancing existing dwellings. Purchase of single or multi-family housing, provided that the structures are already in existence at the time that COK funding is made available to the purchaser.
3. Transferring HUD loans or other strictly administrative procedures that do not require land-disturbing activities.
4. Expanding, performing maintenance, rehabilitating, or demolition of existing structures on developed land\*.
5. Construction of single or multi-family housing on developed lands or a prepared home site that has been cleared of natural vegetation in the normal course of preparation for housing construction prior to, and independent of a COK funded activity.
6. Construction/repair/replacement of existing waterlines provided that no perennial streams are crossed and all work is accomplished within the existing, maintained rights-of way. Perennial streams do not go dry during the summer or fall. Crossing of perennial streams can occur under this Agreement if utility lines are suspended from bridges or by utilizing trenchless technology. Projects using trenchless technology must also incorporate appropriate vegetated buffers when boring under streams. Trenchless technology eliminates the need to disturb the environment caused by excavating and backfilling trenches. Trenchless technology methods used for installing or upgrading pipelines include horizontal directional drilling, cured-in-place pipe, slip lining, close-fit pipe, and thermoformed pipe. The method utilized depends on the physical conditions of the pipeline, but all of the methods involve work in the pipeline without surface or subsurface excavations.
7. Construction/repair/replacement, of storm or sanitary sewer pipelines provided that all construction occurs within maintained rights of way, and no perennial streams are crossed. Crossing of perennial streams can occur under this Agreement if utility lines are suspended from bridges or by utilizing trenchless technology. Projects using trenchless technology must also incorporate appropriate vegetated buffers when boring under streams. Trenchless technology eliminates the need to disturb the environment caused by excavating and backfilling trenches. Trenchless technology methods used for installing or upgrading pipelines include horizontal directional drilling, cured-in-place pipe, slip lining, close-fit pipe, and thermoformed pipe. The method utilized depends on the physical conditions of the pipeline, but all of the methods involve work in the pipeline without surface or subsurface excavations.
8. Placement/replacement of electric and telephone transmission lines and related equipment (e.g., transformers) within existing rights-of-way.
9. Implementing streetscape beautification projects *that do not include disturbance of previously undeveloped areas*. Examples of these projects include, but are not limited to, removing and replacing existing sidewalks, curbing or gutters; demolishing and disposing of existing curbing; installing sidewalk ramps for compliance with accessibility requirements for disabled persons; installing irrigation systems for plants; installing or replacing streetlights, benches or trashcans; and installing new sidewalks.
10. Installation, replacement, or relocation of traffic control signals or streetlights.

11. Renovation of existing restrooms, pavilions, ballfields, shelters, parking areas, and/or other similar features found in local parks or recreational areas.

\*Developed lands are paved, filled, graveled, or otherwise vegetated with grasses that are routinely mowed. Undeveloped lands include sites where natural vegetation dominates. Examples of projects on developed lands include, but are not limited to, renovating substandard single or multiple family residences, converting a school building to a community center, and renovating or expanding an existing factory building.

The Service has determined that for all projects that meet one or more of the criteria listed above, no impacts would be anticipated to federally listed species, and further coordination with the Service is not necessary. Thank you for the opportunity to provide guidance on COK projects. If you have any questions regarding the information which we have provided, please contact Robbie Sykes at 931/525-4979 or by email at [Robbie\\_Sykes@fws.gov](mailto:Robbie_Sykes@fws.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Virgil E. Andrews, Jr.", written in a cursive style.

Virgil Lee Andrews, Jr.  
Field Supervisor