§ 200.925c Model codes.

(a) Incorporation by reference. The following publications are incorporated by reference under 5 U.S.C. 552(a) and 1 CFR part 51. The incorporation by reference of these publications has been approved by the Director of the Federal Register. The locations where copies of these publications are available are set forth below.


2. **Model Code Compliance Requirements.** (1) When a multifamily or care-type property is to comply with one of the model building codes set forth in
paragraph (a)(1) of this section, the following requirements of those model codes shall not apply to those properties:
(i) Those provisions of the model codes that do not pertain to residential or institutional buildings;
(ii) Those provisions of the model codes that establish energy requirements for multifamily or care-type structures; and
(iii) Those provisions of the model codes that require or allow the issuance of permits of any sort.
(2) Where the model codes set forth in paragraph (a)(1) of this section designate a building, fire, mechanical, plumbing or other official, the Secretary’s designee in the HUD Field Office serving the jurisdiction in which the property is to be constructed shall act as such official.

(c) Designation of Model Codes. When a multifamily or care-type property is to comply with a model code, it shall comply with one of the model codes designated in paragraphs (c)(1), (2), or (3) of this section, and with any other code or codes identified in the same paragraph. However, seismic design is a mandatory requirement. In addition, the property shall comply with all of the standards that are incorporated into the code or codes by reference. By the time of application for insurance or other benefits, the developer or other interested party shall notify the Department of the code or group of codes to which the developer intends to comply.


§ 200.926 Minimum property standards for one and two family dwellings.

(a) Construction standards—(1) Applicable structures. The standards identified or contained in this section, and in §§200.926a–200.926e, apply to single family detached homes, duplexes, three-unit homes, and to living units in a structure where the units are located side-by-side in town house fashion. Section 200.926d(c)(4) also applies to four-unit homes.
(2) Applicability of standards to new construction. The standards referenced in paragraph (a)(1) of this section are applicable to structures which are:
(i) Approved for insurance or other benefits prior to the start of construction, including approval under the Direct Endorsement process described in §203.5 of this chapter, or under the Lender Insurance process described in §203.6 of this chapter;
(ii) Approved for insurance or other benefits based upon participation in an insured warranty program; or
(iii) Insured as new construction based upon a Certificate of Reasonable Value issued by the Department of Veterans Affairs.

(b) Conflicting standards. The requirements contained in §200.926d do not preempt local or State standards, nor do they alter or affect a builder’s obligation to comply with any local or State requirements. However, a property shall be eligible for benefits only if it complies with the requirements of this subpart, including any referenced standards. When any of the requirements identified in §200.926c are in conflict with a partially accepted local or State code, the conflict will be resolved by the HUD Field Office servicing the jurisdiction in which the property is to be located.

(c) Standard for evaluating local or state building codes. The Secretary shall compare a local building code submitted under paragraph (d) of this section or a State code to the list of construction related areas contained in §200.926a.