3. Subsurface Absorption System—a. Where percolation rates, soil characteristics and site conditions are acceptable, an absorption system may be installed in an area which is well drained, has an acceptable slope, and is acceptable for excavation.
b. Soils with percolation rates less than 1 minute per inch may be used if the soil is replaced with a layer of loamy or fine sand at least 2 feet thick. (Refer to the EPA Design Manual, “Onsite Wastewater Treatment and Disposal System”.)
c. Soils with percolation rates greater than 60 minutes per inch are not acceptable for subsurface wastewater disposal systems.

B. Community Wastewater Disposal Systems—

1. Definition. In this subpart, a community wastewater disposal system is any wastewater disposal system which serves more than 1 dwelling unit.

2. Design. A community wastewater disposal system shall be designed by a qualified, professional engineer licensed in the state in which the system will be located.

C. Property Survey Map. A current survey map of the project site showing the boundaries as well as all existing known features specifically including utilities, easements, access roads, floodplains, drainageways, rock outcroppings and wooded areas or specimen trees. If a current survey does not exist, the most accurate document which is available will be submitted.

D. Soils Map and Report. A complete soils map and report, including “site specific” interpretations and recommendations, from the local or county representative of the U.S. Department of Agriculture, Soil Conservation Service (SCS) Office will be included with the location and feasibility submission. A determination of whether or not any lands described in USDA Regulation 9500–3 are impacted by the proposed development should also be included. The local SCS office may provide recommendations for the development of suitable drainage and landscaping plans later in the planning process.

E. Market survey. A market survey will be submitted in accordance with the requirements of the respective loan program as indicated in part 1944, subparts D and E of this chapter.

F. Request for Exceptions. Any need for State or National Office exception(s) should be identified at this stage in the processing. Appropriate exception(s) should be requested and obtained before proceeding to the preliminary submission.

G. Other. The applicant will need to submit any additional information that may be needed as indicated in subpart D or exhibit A–7 of subpart E of part 1944 of this chapter. This may include but is not limited to:

1. Schematic design drawings showing the proposed plot plan, typical unit plans, and elevations. If available, the proposed preliminary drawings and specifications may be submitted. This would be of assistance if it is determined that the loan must receive National Office authorization.

2. Type of construction.

3. The total number of living units and the number of each type of living unit proposed.

4. Type of utilities such as water, sewer, gas, and electricity and whether each is public, community, or individually owned.

II. Application Submission Documents: After it is determined by FmHA or its successor agency under Public Law 103–354 that the project is feasible and the location conforms with the intent of the funding program, the

sponsor will submit the following information to the District Director in addition to those materials submitted previously.

A. Property Survey. A survey (where 1 inch represents 100 feet) of the property lot showing the exact boundaries and corners of the property accompanied by a written description of said boundaries. Also, locations of prominent features such as utilities, easements, access points, floodplains, drainageways, rock outcroppings and wooded areas or specimen trees affecting the proposed development must be included. This document shall bear the seal of a professional licensed to provide surveying services. If the site is unusually level or steep, the contour intervals may be varied accordingly.

B. Topographic Map. An accurate topographic map showing existing and proposed contours with a scale compatible with the size of the project. The scale shall be at least 1 inch equals 200 feet, 5-foot contour intervals, where the site is usually level or steep, the contour intervals may be varied accordingly.

C. Preliminary Site Plan. A line drawing, to scale, showing proposed street locations with profiles and widths, lot layouts, major drainageways, and other development planned. Preliminary sections and details shall be provided for the streets, curbs and gutters, drainageways, and other physical improvements.

D. Preliminary Dwelling Drawings and Specifications. Drawings of the dwelling units, preliminary floor plans and specifications, elevations and sample site plans showing the placement of individual buildings shall be submitted.

E. Statement of Planning and Zoning Compliance. Local, county and State approvals as applicable. If change of zoning or variance is required, the status of the variance or change of zoning shall be documented.

F. Technical Service Contracts. Executed contracts for the professional services of an architect, engineer, land surveyor, landscape architect, site planner and/or soil engineer will be submitted as appropriate for the planning of the proposed development.

G. Utility Approvals. Statements of approval and feasibility for utility systems as follows:

1. Verification of adequate capacity and approval to tie-in with local existing water, wastewater disposal, electric, telephone, and other utility systems, as applicable.
2. Tentative approval of local or State health authority for individual water and/or wastewater disposal systems when it is clear that central systems are unfeasible at this time. Use §1924.108(a)(3) of this subpart when preparing information required.

H. Facility Acceptance. Evidence that the appropriate public body is willing to accept and maintain streets, common areas, lighting, fire hydrants, sidewalks, drainageways, and utilities, as appropriate, when dedicated to said body.

I. Preliminary Specifications. Outline specifications describing all the materials to be used and how they are to be applied. These are only the materials used in the land development and construction of the streets, drainage, and utility work and workshops, community buildings, recreation center, central cooking and dining facilities, or other similar facilities to meet essential needs to be financed wholly or in part with loan funds.

J. Incremental Slopes Plan. If areas of common slope are not identified elsewhere in adequate detail, this information should be provided in a separate plan.

K. Preliminary Grading Plan. This plan will indicate degree of work required to provide positive drainage of all building sites and control measures to be taken to eliminate soil erosion. Dwelling locations may be shown if they can be predetermined.

L. Other. The applicant will need to submit any additional information that may be needed as indicated in the respective loan program regulations as indicated in part 1944, subparts D and E and part 1822, subpart F of this chapter (FmHA or its successor agency under Public Law 103–354 Instruction 444.7). This may include but not be limited to:

1. A detailed trade-item cost breakdown of the project for such items as land and right-of-way, building construction, equipment, utility connections, architectural/engineering and legal fees, and both on- and off-site improvements. The cost breakdown should show separately the items not included in the loan, such as furnishings and equipment. This trade-item cost breakdown should be updated just prior to loan approval.

2. Information on the method of construction, on the proposed contractor if a construction contract is to be negotiated and the architectural, engineering, and legal services to be provided.

3. For all projects containing over four units the applicant will submit an Affirmative Fair Housing Marketing Plan for approval by FmHA or its successor agency under Public Law 103–354 in accordance with §1901.203 of subpart E to part 1901 of this chapter. The Affirmative Fair Housing Marketing Plan must be prepared in a complete, meaningful, responsive and detailed manner.

4. A description and justification of any related facilities (including but not limited to workshops, community buildings, recreation center, central cooking and dining facilities, or other similar facilities to meet essential needs) to be financed wholly or in part with loan funds.

III. Technical Documents Necessary for the Obligation of Funds. All decisions regarding the conceptual design of the proposed project should be made prior to this submission. This effort is mainly to demonstrate that those agreed upon concepts have been transformed into construction documents and the
necessary approvals have been granted. All items requiring revision or more detailed information as determined by the review of the preliminary submission will be resolved before the sponsor prepares the final submission. All documents shall be executed in a professional manner and shall carry the appropriate designation attesting to the professional qualifications of the architect, engineer, land surveyor or site planner. All documents will be accurately drawn at an appropriate scale.


Subparts D–E [Reserved]

Subpart F—Complaints and Compensation for Construction Defects

SOURCE: 56 FR 40241, Aug. 14, 1991, unless otherwise noted.

§ 1924.251 Purpose.

This subpart contains policies and procedures for receiving and resolving complaints concerning the construction of dwellings and construction, installation and set-up of manufactured homes (herein called “units”), financed by the Farmers Home Administration (FmHA) or its successor agency under Public Law 103–354, and for compensating borrowers for structural defects under section 509(c) of the Housing Act of 1949, as amended. Provisions of this subpart do not apply to dwellings financed with guaranteed section 502 loans.

§ 1924.252 Policy.

FmHA or its successor agency under Public Law 103–354 is responsible for receiving and resolving all complaints concerning the construction of dwellings and the construction, installation and set-up of units financed by FmHA or its successor agency under Public Law 103–354. FmHA or its successor agency under Public Law 103–354 must determine whether defects are structural or non-structural. If the defect is structural and is covered by the builder’s/dealer-contractor’s (the “contractor”) warranty, the contractor is expected to correct the defect. If the contractor cannot or will not correct the defect, the costs of correcting the defect may be paid by the Government, or the borrower may be compensated for correcting the defect, under the provisions of this subpart. If the defect is non-structural but is covered under the provisions of the contractor’s warranty or independent home warranty, the contractor is still expected to correct the defect. FmHA or its successor agency under Public Law 103–354 will assist the borrower in obtaining assistance through the independent home warranty company’s and/or manufacturer’s complaint resolution process. However, if the contractor cannot or will not correct a non-structural defect covered under the provisions of the contractor’s warranty, the Government will not pay the costs for correcting the defect, nor will the borrower be compensated for doing so.

§ 1924.253 Definitions.

As used in this subpart, the following definitions apply:
(a) Newly constructed dwelling. One which:
(1) Is financed with a section 502 insured loan;
(2) Was constructed substantially or wholly under the contract method, or under a conditional commitment, or, as to only work performed by a contractor or covered by a manufacturer’s warranty, under the mutual self-help program;
(3) Was not more than one year old and not previously occupied as a residence at the time financial assistance was granted unless FmHA or its successor agency under Public Law 103–354 has extended the conditional commitment issued on a newly constructed dwelling in accordance with 7 CFR part 3550; and
(4) Had the required construction inspections performed by FmHA or its successor agency under Public Law 103–354, the Department of Housing and Urban Development (HUD), or the Veterans Administration (VA).
(b) Newly constructed manufactured home (unit). One which:
(1) Is financed with a section 502 insured loan;
(2) Was not more than one year old and not previously occupied as a residence at the time financial assistance was granted; and

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