

RD AN No. 4691 (1924-A)
November 14, 2012

TO: State Directors, Rural Development

ATTN: All Rural Housing Staff, State Architects,
Engineers, Construction Analysts and Inspectors

FROM: Tammye Treviño (Signed by Joyce Allen) for
Administrator
Rural Housing Service

SUBJECT: Acceptance of Termite Forms

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to instruct and inform Rural Development staff on the use and acceptance of the following National Pest Management Association's (NPMA) forms used by the Rural Housing Service programs: Reference: <http://www.pestworld.org/>

- Form NPMA- 99a, (2008) Subterranean Termite Soil Treatment Builder's Guarantee
- Form NPMA- 99b, (2008) New Construction Subterranean Termite Soil Treatment Record
- Form NPMA- 33, (2004) Wood Destroying Insect Infestation Inspection Report

COMPARISON WITH THE PREVIOUS AN:

This AN updates RD AN No. 4600 (1924-A) dated October 12, 2011, which expires on September 30, 2012. The latest NPMA forms are a part of this AN for field staff use.

EXPIRATION DATE:
November 30, 2013

FILING INSTRUCTIONS:
Preceding RD Instruction 1924-A

BACKGROUND:

The U.S. Department of Housing and Urban Development's (HUD) form HUD 92052, Termite Soil Treatment Guarantee is obsolete. Therefore, in those areas subject to termite damage Rural Development will accept the NPMA forms to show either chemical soil treatment against termites or physical control measures have been provided for new construction or a certification inspection and any needed remediation has been performed for existing construction. Forms NPMA-99a and 99b are the product of input and negotiations between the pest control industry, state regulators, HUD, the U.S. Department of Veteran Affairs, and the National Association of Home Builders.

IMPLEMENTATION RESPONSIBILITIES:

New Construction – Single Family Housing Direct (SFH) and Multi-Family Housing (MFH)

The requirements of this AN for new construction are only applicable in jurisdictions where applicable codes, regulations or guidance require treatment to prevent termite infestation. Always apply the most stringent interpretation when making a determination on the application of the requirements of this AN.

Except as specifically prohibited, forms NPMA-99a and 99b (or an acceptable substitute to NPMA-99b as described below) must be used together. These NPMA forms will properly inform Rural Development and the applicant as to the type of guarantee issued by the builder. The forms will also provide information on actual work performed by the licensed pest control operator (PCO) to reduce the chances of infestation by subterranean termites. The forms clearly delineate the responsibilities of the builder and PCO. If the structure was not treated by liquid soil treatment prior to backfill of the foundation, then use NPMA-99a for documentation purposes, noting the type of prevention method used (bait most likely in this situation). Alternately, a post construction soil treatment may be used or if there is exposed wood such as a crawlspace, then a borate treatment can be used. If soil treatment was not performed during the construction process, form NPMA-99a should still be used by the builder accompanied by a builder's guarantee that indicates how the building is protected from potential pest damage. The builder's guarantee is acceptable in lieu of form NPMA-99b. If the builder's guarantee indicates treated lumber was used as framing throughout, the guarantee should indicate any lumber components used that were not treated. Areas of the country that experience high termite infestation conditions should be sure the treated lumber solution is acceptable to the applicable local building requirements or the addition of soil treatments may be necessary as well.

If a professional soil treatment is done at anytime, the licensed pest control company must complete NPMA-99b. If treatment is completed prior to the completion of construction, the form must be used as an attachment to the builder's form, NPMA-99a. If the NPMA-99b is completed post construction the NPMA-99b will be submitted to Rural Development as a supplement to the already submitted NPMA-99a and service ticket. The builder is responsible for distributing the completed forms. If a state or local jurisdiction has more stringent record keeping requirements than the NPMA-99b, then the state or local form may be accepted in place of the NPMA-99b. The state or local form would be attached to the NPMA-99a.

Forms NPMA-99a and 99b, original or copies, must be part of the construction section of the case file.

Existing Construction – SFH Direct and MFH

Form NPMA-33, Wood Destroying Insect Infestation Inspection Report, will be accepted as certification that an existing structure is free from wood destroying insects. A state form is acceptable in those states that require the use of a state form in all transactions. For Rural Development purposes, Form NPMA-33 or state forms will be valid for 90 days from the date of the inspection.

If the inspector's statement or other information indicates structural damage due to insect infestation, evidence must be provided that the damage was properly corrected and the dwelling treated prior to loan closing.

Sample copies of the NPMA forms are attached. Forms NPMA-99a, NPMA-99b and NPMA-33 are not Rural Development forms but NPMA-99a and NPMA-99b are available for free download from the HUD website at www.hud.gov. These forms are also available for purchase by builders and PCO's through the National Pest Management Association, 10460 North Street, Fairfax, VA 22030, phone (703) 352-6762, fax (703) 352-3031 or from the NPMA website at <http://www.pestworld.org/>.

Please direct all questions pertaining to this notice to William Downs, Architect, Program Support Staff at (202) 720-1499.

Attachments:

1. NPMA-33
2. NPCA-99a
3. NPCA-99b

Wood Destroying Insect Inspection Report <small>Notice: Please read important consumer information on page 2.</small>		
Section I. General Information Inspection Company, Address & Phone	Company's Business Lic. No.	Date of Inspection
Address of Property Inspected		
Inspector's Name, Signature & Certification, Registration, or Lic. #		Structure(s) Inspected
Section II. Inspection Findings This report is indicative of the condition of the above identified structure(s) on the date of inspection and is not to be construed as a guarantee or warranty against latent, concealed, or future infestations or defects. Based on a careful visual inspection of the readily accessible areas of the structure(s) inspected:		
<input type="checkbox"/> A. No visible evidence of wood destroying insects was observed.		
<input type="checkbox"/> B. Visible evidence of wood destroying insects was observed as follows:		
<input type="checkbox"/> 1. Live insects (description and location): _____ _____		
<input type="checkbox"/> 2. Dead insects, insect parts, frass, shelter tubes, exit holes, or staining (description and location): _____ _____		
<input type="checkbox"/> 3. Visible damage from wood destroying insects was noted as follows (description and location): _____ _____		
<small>NOTE: This is not a structural damage report. If box B above is checked, it should be understood that some degree of damage, including hidden damage, may be present. If any questions arise regarding damage indicated by this report, it is recommended that the buyer or any interested parties contact a qualified structural professional to determine the extent of damage and the need for repairs.</small>		
Yes <input type="checkbox"/> No <input type="checkbox"/> It appears that the structure(s) or a portion thereof may have been previously treated. Visible evidence of possible previous treatment: _____		
<small>The inspecting company can give no assurances with regard to work done by other companies. The company that performed the treatment should be contacted for information on treatment and any warranty or service agreement which may be in place.</small>		
Section III. Recommendations		
<input type="checkbox"/> No treatment recommended: (Explain if Box B in Section II is checked) _____		
<input type="checkbox"/> Recommend treatment for the control of: _____		
Section IV. Obstructions and Inaccessible Areas		
The following areas of the structure(s) inspected were obstructed or inaccessible:		The inspector may write out obstructions or use the following optional key:
<input type="checkbox"/> Basement _____ <input type="checkbox"/> Crawlspace _____ <input type="checkbox"/> Main Level _____ <input type="checkbox"/> Attic _____ <input type="checkbox"/> Garage _____ <input type="checkbox"/> Exterior _____ <input type="checkbox"/> Porch _____ <input type="checkbox"/> Addition _____ <input type="checkbox"/> Other _____	1. Fixed ceiling 13. Only visual access 2. Suspended ceiling 14. Cluttered condition 3. Flood wall covering 15. Standing water 4. Floor covering 16. Dense vegetation 5. Insulation 17. Exterior siding 6. Cabinets or shelving 18. Window wall covers 7. Stored items 19. Wood pile 8. Furnishings 20. Snow 9. Appliances 21. Unsafe conditions 10. No access or entry 22. Rigid foam board 11. Limited access 23. Synthetic stucco 12. No access beneath 24. Dirty work, plumbing, and/or wiring	
Section V. Additional Comments and Attachments (these are an integral part of the report) _____ _____ _____ _____		
Attachments _____		
Signature of Seller(s) or Owner(s) If refinancing, Seller acknowledges that all information regarding W.D.I. infestation, damage, repair, and treatment history has been disclosed to the buyer. X	Signature of Buyer. The undersigned hereby acknowledges receipt of a copy of both page 1 and page 2 of this report and understands the information reported. X	

Subterranean Termite Protection Builder's Guarantee

OMB Approval No. 2502-0525
(exp. 02/29/2012)

This form is completed by the builder.

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. Section 24 CFR 200.926d(b)(3) requires that the sites for HUD insured structures must be free of termite hazards. This information collection requires a licensed Pest Control company to provide the builder a record of specific treatment information in those cases when if any method other than use of pressure treated lumber is used for prevention of subterranean termite infestation. When applicable, form HUD-NPMA-99-B must accompany the form HUD-NPMA-99-A. Builders, pest control companies, mortgage lenders, homebuyers, and HUD as a record of treatment for specific homes will use the information collected. The information is not considered confidential, therefore no assurance of confidentiality is provided.

This form is submitted for proposed (new) construction cases when prevention of subterranean termite infestation is specified by the builder or required by the lender, the architect, FHA or VA.

This form is to be completed by the builder. This guarantee is issued by the builder to the buyer. This guarantee is not to be considered as a waiver of, or in place of, any legal rights or remedies that the buyer may have against the builder.

FHA/VA Case No.: _____

Location of Structure(s) (Street Address, or Legal Description, City, State and Zip): _____

Buyer's Name: _____

Builder is to check and complete either box 1 or box 2.

1. Pest Control Company Applied Treatment (See HUD-NPMA 99B for treatment information)

The undersigned builder hereby certifies that a State licensed or otherwise authorized pest control company (where required by State law) was contracted to treat the property at the location referenced above to prevent subterranean termites. The builder further certifies that the contract with the pest control company required the treatment materials and methods used to be in conformance with all applicable State and Federal requirements. All work required by the contract has been completed unless noted on HUD-NPMA 99B. Where not prohibited by applicable State requirements, the buyer, for an additional fee payable to the pest control company, may extend the protection against subterranean termites. Contact the pest control company listed on the attachment for further information.

The builder hereby guarantees that, if subterranean termite infestation should occur within one year from the date of closing, the builder will ensure that a licensed or otherwise State authorized pest control company will treat as necessary to control infestations in the structure. This further treatment will be without cost to the buyer. If permitted by State law, the buyer may contract directly, at the buyer's expense, with a pest control company to inspect the property on a periodic basis and use EPA registered products to control any infestation. The builder will not be responsible for guaranteeing such contracted work. The builder further agrees to repair all damage by subterranean termites within the one-year builder's warranty period. This guarantee does not apply to additions or alterations that are made by the buyer, which affects the original structure or treatment. Examples include, but are not limited to, landscape and mulch alterations, which disturb the treated area and create new subterranean termite hazards, or interfere with the control measures. If within the guarantee period the builder questions the validity of a claim by the buyer, the claim will be investigated by an unbiased expert mutually agreeable to the buyer and builder. The report of the expert will be accepted as the basis for disposition of the case. The non-prevailing party will pay the cost of any inspections made to investigate the claim. For further information, contact your State structural pest control regulatory agency. All service must be in compliance with the International Residential Code.

Type of Service: Termite Bait System Field Applied Wood Treatment Soil Treatment Installed Physical Barrier System

2. Builder Installed Subterranean Termite Prevention using Pressure Treated Lumber

The builder certifies that subterranean termite prevention was installed using pressure treated lumber only and certifies that use of the pressure treated lumber is in compliance with applicable building codes and HUD requirements including Mortgagee Letter 2001-04. **Note: Using pressure treated studs as a sole method of termite prevention is NOT acceptable and violates the requirements of Mortgagee Letter 2001-04.**

Initial of Builder _____ Date _____

Attachments: _____

Builder's Company Name: _____ Phone No: _____

Builder's Signature: _____ Date: _____

Consumer Maintenance Advisory regarding Integrated Pest Management for Prevention of Wood Destroying Insects. Information regarding prevention of wood destroying insect infestation is helpful to any property owner interested in protecting the structure from infestation. Any structure can be attacked by wood destroying insects. Periodic maintenance should include measures to minimize possibilities of infestation in and around a structure. Factors which may lead to infestation from wood destroying insects include foam insulation at foundation, earth-wood contact, faulty grade, firewood against structure, insufficient ventilation, moisture, wood debris in crawl space, wood mulch, tree branches touching structures, landscape timbers, and wood rot. Should these or other such conditions exist, corrective measure should be taken by the owner in order to reduce the chances of infestations by wood destroying insects, and the need for treatment.

An original and one copy of this guarantee are to be prepared by the builder and sent to the lender. The lender provides one copy to the buyer at closing and includes a copy in the VA loan package or HUD insurance case binder. The builder sends one copy to the licensed pest control company which performed the treatment.

Attached is a copy of the state authorized pest control company's New Construction Subterranean Termite Service Record, HUD-NPMA-99-B.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012-31 U.S.C. 3729.3802)

form HUD-NPMA-99-A (8/2008)

New Construction Subterranean Termite Service Record

OMB Approval No. 2502-0525
(exp. 02/29/2012)

This form is completed by the licensed Pest Control Company

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is required to obtain benefits. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Section 24 CFR 200.926d(b)(3) requires that the sites for HUD insured structures must be free of termite hazards. This information collection requires the builder to certify that an authorized Pest Control company performed all required treatment for termites, and that the builder guarantees the treated area against infestation for one year. Builders, pest control companies, mortgage lenders, homebuyers, and HUD as a record of treatment for specific homes will use the information collected. The information is not considered confidential, therefore, no assurance of confidentiality is provided.

This report is submitted for informational purposes to the builder on proposed (new) construction cases when treatment for prevention of subterranean termite infestation is specified by the builder, architect, or required by the lender, architect, FHA, or VA.

All contracts for services are between the Pest Control company and builder, unless stated otherwise.

Section 1: General Information (Pest Control Company information)

Company Name: _____
Company Address _____ City _____ State _____ Zip _____
Company Business License No. _____ Company Phone No. _____
FHA/VA Case No. (if any) _____

Section 2: Builder Information

Company Name _____ Phone No. _____

Section 3: Property Information

Location of Structure(s) Treated (Street Address or Legal Description, City, State and Zip) _____

Section 4: Service Information

Date(s) of Service(s) _____

Type of Construction (More than one box may be checked) Slab Basement Crawl Other _____

Check all that apply:

- A. Soil Applied Liquid Termiticide
Brand Name of Termiticide: _____ EPA Registration No. _____
Approx. Dilution (%): _____ Approx. Total Gallons Mix Applied: _____ Treatment completed on exterior: Yes No
- B. Wood Applied Liquid Termiticide
Brand Name of Termiticide: _____ EPA Registration No. _____
Approx. Dilution (%): _____ Approx. Total Gallons Mix Applied: _____
- C. Bait system installed
Name of System _____ EPA Registration No. _____ Number of Stations installed _____
- D. Physical Barrier System installed
Name of System _____ Attach installation information (required)

Service Agreement Available? Yes No

Note: Some state laws require service agreements to be issued. This form does not preempt state law.

Attachments (List) _____

Comments _____

Name of Applicator(s) _____ Certification No. (if required by State law) _____

The applicator has used a product in accordance with the product label and state requirements. All materials and methods used comply with state and federal regulations.

Authorized Signature _____ Date _____

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

form HUD-NPMA-99-B (08/2008)