

CHAPTER 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract. The HA will inspect each unit under contract at least annually. The HA will also have an inspection supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the HA's required standards and to assure consistency in the HA's program.

This Chapter describes the HA's procedures for performing HQS and other types of inspections, and HA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners.

The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and HA requirements. (See the additions to HQS listed under Acceptability Criteria and Exceptions to HQS's later in this chapter.)

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards. The HA will not promote any additional acceptability criteria which is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

There are five types of inspections the HA will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Approval of Tenancy.
2. Annual: Must be conducted within twelve months of the last annual inspection.
3. Move-Out/Vacate (for pre 10/2/95 contracts where there could be damage claims):
At request of owner, family or third party
4. Special/Complaint: At request of owner, family or third party.
5. Quality Control

B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timely Initial HQS Inspection

The HA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within **15** calendar days after the family and the owner have submitted a request for approval of tenancy.

The same **15-calendar** day clock will be suspended during any period when the unit is not available for inspection.

The Owner will include "date unit available for inspection" on the RFAT form. This date will determine whether the HA will be required to meet the same **15-day** requirement or whether the HA will suspend the same **15-day** period because the unit is not available for inspection until after the same **15-day** period.

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the HQS defined in this Plan.
- Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.
- Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the **owner** will be advised to notify the HA once repairs are completed.

On an initial inspection, the owner will be given up to **30 calendar** days to correct the items noted as Fail, at the Inspector's discretion, depending on the amount and complexity of work to be done.

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The owner will be allowed up to **one (1)** reinspection for repair work to be completed.

If the time period given by the Inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit.

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The HA conducts an inspection in accordance with Housing Quality Standards at least annually. Scheduling may begin as early as **one hundred twenty (120) calendar days** prior to the last annual inspection, so that the inspections are conducted at least annually, as required by SEMAP. Special inspections may be scheduled between anniversary dates.

The landlord must correct HQS deficiencies that cause a unit to fail unless it is a fail for which the tenant is responsible.

The family must allow the HA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.51 (d)]

Inspections will be conducted on business days only, Mondays through Thursdays, unless otherwise arranged. Reasonable hours to conduct an inspection are between 7:30 a.m. and 6:00 p.m.

The HA will notify the family in writing or by phone at least **Ninety Days (90)** prior to the inspection.

Inspection: The family and owner are notified of the date and time of the inspection appointment by mail or phone. If the family is unable to be present, **they** must reschedule the appointment so that the inspection is completed within 15 calendar days.

If the family does not contact the HA to reschedule the inspection, or if the family misses two (2) inspection appointments, the HA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Reinspection

The family and owner are provided a notice of the inspection appointment by mail or phone. If the family is not at home for the reinspection appointment, a card will be left at the unit and another appointment is automatically scheduled. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

The family is also notified that it is a Family Obligation to allow the HA to inspect the unit. If the family was responsible for a breach of HQS identified in the "Denial or Termination of Assistance" chapter of this Administrative Plan, they will be advised of their responsibility to correct.

Time Standards for Repairs

Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (*See Emergency Repair Items section.*)

For non-emergency items, repairs must be made within 30 days.

For major repairs, the **Programs Manager** may approve an extension beyond 30 days.

Rent Increases

Rent to BE PAID TO owner increases may not be approved if the unit is in a failed condition. Any rent increases paid to the owner/landlord may not be approved if the unit condition fails inspection.

D. MOVE OUT/VACATE

A move out inspection will be performed at the landlord's request if a damage claim is to be submitted for contracts effective before 10/2/95, or at either the family or landlord's request for post-10/2/95 contracts.

E. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c)]

If at any time the family or owner notifies the HA that the unit does not meet Housing Quality Standards, the HA will conduct an inspection.

The HA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

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The HA will inspect only the items which were reported, but if the Inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

If the annual inspection date is within 120 days of a special inspection, and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections will be performed by the **Programs Manager** on the number of files required by SEMAP. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The sampling of files will include recently completed inspections (within the prior 3 months), a cross-section of neighborhoods, and a cross-section of inspectors.

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The HA adheres to the acceptability criteria in the program regulations.

H. EMERGENCY REPAIR ITEMS [24 CFR 982.401(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the Inspector:

- ⊗ *Lack of security for the unit*
- ⊗ *Waterlogged ceiling in imminent danger of falling*
- ⊗ *Major plumbing leaks or flooding*
- ⊗ *Natural gas leak or fumes*
- ⊗ *Electrical problem which could result in shock or fire*
- ⊗ *No heat when outside temperature is below [specify number] degrees Fahrenheit and temperature inside unit is below [specify number] degrees Fahrenheit.*
- ⊗ *Utilities not in service*
- ⊗ *No running hot water*
- ⊗ *Broken glass where someone could be injured*
- ⊗ *Obstacle which prevents tenant's entrance or exit*
- ⊗ *Lack of functioning toilet*

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the HA.

If the emergency repair item(s) are not corrected in the time period required by the HA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the HA, and it is an HQS breach which is a family obligation, the HA will terminate the assistance to the family.

Smoke Detectors

Inoperable smoke detectors are a serious health threat and will be treated by the HA as an emergency (24 hour) fail item.

If the smoke detector is not operating properly the HA will contact the owner by phone and request the owner to repair the smoke detector within 24 hours. The HA will reinspect the unit the following day.

If the HA determines that the family has purposely disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within 24 hours and the HA will reinspect the unit the following day. **The HA will issue a written warning to any family determined to have purposely disconnected the unit's smoke detector. Warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard, is considered a violation of the HQS and Family Obligations.**

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I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)^[24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the HA, the assistance payment to the owner will be abated or extended, as situations warrant, as approved by the Programs Manager.

Abatement

A Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice is generally for **15 calendar** days, depending on the nature of the repair(s) needed.

The HA will inspect abated units within **5 calendar** days of the owner's notification that the work has been completed. If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with HQS.

The notice of abatement states that the tenant is not responsible for the HA's portion of rent that is abated.

Granting of an Extension

The HA may grant an extension in lieu of abatement in the following cases:

- The owner has a good history of HQS compliance.
- The failed items are minor in nature.
- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The owner makes a good faith effort to make the repairs.
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the funds.
- The repairs must be delayed due to climate conditions.

The extension will be made for a period of time not to 30 days. At the end of that time, if the work is not completed, the HA will begin the termination of assistance.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination **may** be rescinded by the HA if the tenant chooses to remain in the unit. Only **one** Housing Quality Standards inspection will be conducted after the termination notice is issued.

J. DETERMINATION OF RESPONSIBILITY ^[24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

- A.** Tenant-paid utilities not in service
- B.** Failure to provide or maintain family-supplied appliances
- C.** Damage to the unit or premises caused by a household member or guest beyond normal wear and tear

"Normal wear and tear" is defined as items that could be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The HA may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection.

The owner or tenant may appeal this determination to a mediator within 15 calendar days of the inspection.

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If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

K. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency or non-emergency violations of HQS are determined to be the responsibility of the family, the HA will require the family make any repair(s) or corrections within **30 calendar** days. If the repair(s) or correction(s) are not made in this time period, the HA will terminate assistance to the family, after providing an opportunity for an informal hearing. The Programs Manager must approve extensions in these cases. The owner's rent will not be abated for items that are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract will terminate when assistance is terminated.