

## **VII. HOUSING QUALITY STANDARDS AND INSPECTIONS**

[24 CFR 982.401]

### **INTRODUCTION**

HUD requires that all units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's Housing Quality Standards (HQS) including the National Standards for the Physical Inspection of Real Estate (NSPIRE). HUD also permits the CDC to establish additional requirements. The use of the term "HQS" in this plan refers to the combination of both HUD, NSPIRE and CDC established requirements.

An inspection to verify the unit meets HQS (passed inspection) is required before the Housing Assistance Payments (HAP) Contract is executed between the landlord and CDC. One passed HQS inspection is required at least bi-annually during the term of the contract, or any renewal period. This chapter explains HUD and CDC requirements related to housing quality standards:

### **Part I. National Standards for the condition of HUD Housing & Additional Local Requirements.**

This part discusses the national standards to ensure residents live in safe, habitable dwellings. It also identifies local requirements and life-threatening conditions that must be addressed on an expedited basis (within 24 hours).

### **Part II. The Inspection Process.**

This part describes the types of inspections CDC will make and the steps that will be taken when units do not meet HQS.

**EXHIBIT 7-1:** HQS Inspection Guidance related to Electrical Outlets.

**EXHIBIT 7-2:** Federal Register/Vol. 79, No. 122 – Annual /Biennial HQS Inspections.

### ***Special housing types in the HCV, PBV and Moderate Rehabilitation programs.***

Part 982, subpart M, of title 24 identifies special housing types which require standards unique to special types of housing. Unless modified by program-specific regulations, NSPIRE Standards will apply for these special housing types

## **PART I: NATIONAL STANDARDS FOR THE CONDITION OF HUD HOUSING & ADDITIONAL LOCAL REQUIREMENTS.**

### **PART I.A. GENERAL HUD REQUIREMENTS**

To ensure that all residents live in safe, habitable dwellings, the items and components located inside the building, outside the building, and within the units of HUD housing must be functionally adequate, operable, and free of health and safety hazards. The standards under this section apply to all HUD housing. The inspection requirement for the tenant-based HCV program and the unit inspection for the PBV and Moderate Rehabilitation programs only applies to units occupied or to be occupied by HCV, PBV, and Moderate Rehabilitation participants, and common areas and exterior areas which either service or are associated with such units.

**Inside Areas**

Inside of HUD housing (or “inside areas”) refers to the common areas and building systems that can be generally found within the building interior and are not inside a unit.

Examples of “inside” common areas may include, basements, interior or attached garages, enclosed carports, restrooms, closets, utility rooms, mechanical rooms, community rooms, day care rooms, halls, corridors, stairs, shared kitchens, laundry rooms, offices, enclosed porches, enclosed patios, enclosed balconies, and trash collection areas.

Examples of building systems include those components that provide domestic water such as pipes, electricity, elevators, emergency power, fire protection, HVAC, and sanitary services. The inside area must meet the following affirmative requirements:

- (1) The inside area must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each level of the property. The Secretary may establish additional standards through Federal Register notification;
- (2) The inside area must meet or exceed the carbon monoxide detection standards set by the Secretary through Federal Register notification;
- (3) For the inside area, any outlet installed within 6 feet of a water source must be ground-fault circuit interrupter (GFCI) protected;
- (4) The inside area must have a guardrail when there is an elevated walking surface with a drop off of 30 inches or greater measured vertically;
- (5) The inside area must have permanently mounted light fixtures in any kitchens and each bathroom; and
- (6) The inside area may not contain unvented space heaters that burn gas, oil, or kerosene.

**Outside Areas**

Outside of HUD housing (or “outside areas”) refers to the building site, building exterior components, and any building systems located outside of the building or unit.

Examples of “outside” components may include fencing, retaining walls, grounds, lighting, mailboxes, project signs, parking lots, detached garage or carport, driveways, play areas and equipment, refuse disposal, roads, storm drainage, non-dwelling buildings, and walkways.

Components found on the exterior of the building are also considered outside areas, and examples may include doors, attached porches, attached patios, balconies, car ports, fire escapes, foundations, lighting, roofs, walls, and windows.

The outside area must meet the following affirmative requirements:

- (1) For the outside area, outlets within 6 feet of a water source must be GFCI protected; and
- (2) The outside area must have a guardrail when there is an elevated walking surface with a drop off of 30 inches or greater measured vertically.

### **Units**

A unit (or “dwelling unit”) of HUD housing refers to the interior components of an individual unit.

Examples of components included in the interior of a unit may include the balcony, bathroom, call-for-aid (if applicable), carbon monoxide devices, ceiling, doors, electrical systems, enclosed patio, floors, HVAC (where individual units are provided), kitchen, lighting, outlets, smoke detectors, stairs, switches, walls, water heater, and windows.

The unit must also meet the following affirmative requirements:

- (1) The unit must have hot and cold running water in both the bathroom and kitchen, including an adequate source of safe drinking water in the bathroom and kitchen;
- (2) The unit must include its own bathroom or sanitary facility that is in proper operating condition and usable in privacy. It must contain a sink, a bathtub or shower, and an interior flushable toilet;
- (3) The unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, in the following locations:
  - On each level of the unit;
  - Inside each bedroom;
  - Within 21 feet of any door to a bedroom measured along a path of travel; and
  - Where a smoke detector installed outside a bedroom is separated from an adjacent living area by a door, a smoke detector must also be installed on the living area side of the door.
- If the unit is occupied by any hearing-impaired person, the smoke detectors must have an alarm system designed for hearing-impaired persons;

- (4) The unit must have a living room and a kitchen area with a sink, cooking appliance, refrigerator, food preparation area, and food storage area;
- (5) For units assisted under the HCV or PBV program, the unit must have at least one bedroom or living/sleeping room for each two persons;
- (6) The unit must meet or exceed the carbon monoxide detection standards set by HUD through Federal Register notification;
- (7) The unit must have two working outlets or one working outlet and a permanent light within all habitable rooms;
- (8) Outlets within 6 feet of a water source must be GFCI protected;
- (9) For climate zones designated by the Secretary through notice, the unit must have a permanently installed heating source. No units may contain unvented space heaters that burn gas, oil, or kerosene;
- (10) The unit must have a guardrail when there is an elevated walking surface with a drop off of 30 inches or greater measured vertically; and
- (11) The unit must have a permanently mounted light fixture in the kitchen and each bathroom.

### **Health and safety concerns**

The inside, outside and unit must be free of health and safety hazards that pose a danger to residents. Types of health and safety concerns include, but are not limited to carbon monoxide, electrical hazards, extreme temperature, flammable materials or other fire hazards, garbage and debris, handrail hazards, infestation, lead-based paint, mold, and structural soundness.

**Lead-based paint.** HUD housing must comply with all requirements related to the evaluation and control of lead-based paint hazards and have available proper documentation of such (see [24 CFR part 35](#)). The Lead-based Paint Poisoning Prevention Act ([42 U.S.C. 4821-4846](#)), the Residential Lead-based Paint Hazard Reduction Act of 1992 ([42 U.S.C. 4851-4856](#)), and the applicable regulations at [24 CFR part 35](#) apply.

For lead-based paint and the programs covered in this notice, PHAs and owners shall continue to comply with the requirements and timelines in 24 CFR Part 35 Subpart M—Tenant-Based Rental Assistance, and Subpart H—Project-Based Assistance. PHAs and owners are reminded that any deteriorated paint in target housing, or other lead-based paint hazard identified through a lead-based paint risk assessment or lead-based paint inspection is considered a violation of HQS and the NSPIRE Standards. For the tenant-based programs, Subpart M applies to units where a child under age 6 resides or

is expected to reside, common areas that service that unit, and exterior painted surfaces associated with that unit or common areas. For project-based programs, Subpart H applies to assisted units and common areas of the property regardless of whether a child under age 6 resides or is expected to reside in the unit. The NSPIRE final rule did not alter any of the lead-based paint requirements in Part 35 for these program

### **Compliance with State and local codes.**

The standards for the condition of HUD housing in this section do not supersede State and local housing codes (such as fire, mechanical, plumbing, carbon monoxide, property maintenance, or residential code requirements).

All HUD housing other than units assisted under the HCV and PBV programs must comply with State or local housing codes in order to comply. State and local code compliance is not part of the determination of whether a unit passes the standards for the condition of HUD housing under this section for the HCV and PBV programs (except in accordance with [§ 5.705\(a\)\(3\)](#)).

### **PART I. B. TENANT PREFERENCE ITEMS**

HUD requires CDC to enforce minimum HQS but also requires that certain judgments about acceptability be left to the family. For example, CDC must ensure that the unit contains the required sanitary facilities, but the family decides whether the cosmetic condition of the facilities are acceptable.

### **PART I. C. MODIFICATIONS TO PROVIDE ACCESSIBILITY**

Modifications to units to provide access for a person with a disability must meet all applicable HQS requirements and conform to the design, construction, or alteration of facilities contained in the UFAS and the ADA Accessibility Guidelines (ADAAG) [28 CFR 35.151(c) and Notice 2003-31]

### **PART I. D. ADDITIONAL LOCAL REQUIREMENTS**

CDC may impose additional quality standards as long as the additional criteria are not likely to adversely affect the health or safety of participant families or severely restrict housing choice. HUD approval is required if more stringent standards are imposed.

### **Thermal Environment [HCV GB p. 10-7]**

CDC must define a healthy living environment for the local climate. This may be done by establishing a temperature that the heating system must be capable of maintaining, that is appropriate for the local climate. For inspections done between October 1 and March 31 the heating system (i.e. a working radiator, hot air register or baseboard heat) must be capable of maintaining an interior temperature between 64- and 67.9-degrees Fahrenheit.

Permanent heating sources are permanently affixed within the unit or building, safely connected to the unit or building electrical system, thermostatically controlled by the unit or building, and appropriate for the size of the unit. The energy source for a permanent

heating system can be electric, gas or oil. A fireplace does not meet the self-fueled criteria. Fireplaces also do not evenly distribute heated air throughout a property as effectively as permanently installed heating sources.

A kitchen stove with a built-in heater or portable electric room heaters are not adequate.

### **Clarifications of HUD Requirements**

As permitted by HUD, CDC has adopted the following specific requirements that elaborate on HUD standards.

1. Smoke detectors must be placed according to local fire marshal directive, and operate as they were designed.
2. Light fixtures must have globe covers in place.
3. Water heaters must have two (2) earthquake straps. Temperature Pressure Relief Valves (TPRV) must have drain lines no smaller than the cold-water inlet line. This means if the cold-water inlet line is  $\frac{3}{4}$  inches then the drain line must be the same. Drain line must be rigid pipe, copper pipe or PVC-C pipe. No tubing or flex line.
4. Sink knobs must operate as they were intended, i.e. hot water dispenses from the knob labeled "H" and cold water dispenses from the knob labeled "C". Other installations are considered hazardous conditions. Exceptions will be made if requested under a reasonable accommodation by persons with disability.
5. Carbon monoxide monitors are required in every dwelling unit in accordance with California Law. The carbon monoxide detector must be in working condition and installed in accordance with the manufacturer's specifications.
6. The CDC will determine whether a room qualifies as a bedroom based on compliance with Housing Quality Standards (HQS) and applicable state and local building and safety codes. All sleeping rooms must have adequate natural light and ventilation, including at least one window that opens directly to the outside.

Rooms that do not have an exterior window, or that rely on windows opening into another interior room, do not meet HQS requirements for sleeping rooms. In addition, under applicable California building and fire codes, bedrooms must have an emergency escape and rescue opening (egress) to the exterior. Therefore, such rooms will not be considered bedrooms for purposes of unit size determination, subsidy standards, or payment standard application.

If, during an HQS inspection, a room that does not meet these requirements is being used as a sleeping area, the CDC will cite a deficiency for a health and safety hazard. The owner and/or family will be required to correct the deficiency, which may include discontinuing use of the room as a sleeping area or bringing the room into compliance with applicable standards.

#### **Part I. E. LIFE THREATENING CONDITIONS [24 CFR 982.404(a)]**

Under the Housing Opportunity Through Modernization Act of 2016 (HOTMA), as part of the "Implementation of Various Section 8 Voucher Provisions," HUD published a list of life-threatening conditions ("HOTMA LT List") in the Federal Register. HUD has included the HOTMA LT List in the NSPIRE Standards and this life-threatening (LT) will become mandatory for all HCV PHAs at the time of NSPIRE implementation.

NSPIRE regulatory requirements define what constitutes a life-threatening deficiency. Any deficiencies classified as life threatening must be corrected within 24 hours of CDC notification.

If an owner fails to correct life threatening conditions as required or requested by CDC, the housing assistance payment will be abated and the HAP contract will be terminated in accordance with the policies in this administrative plan.

If a family fails to correct a family caused life threatening condition as required by CDC, CDC may terminate the family 's rental assistance. The family will be required to correct family caused life threatening conditions within 24 hours of CDC notification.

If CDC 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 of CDC notification. If this occurs, CDC will issue a verbal warning to any family found to have purposely disconnected the unit 's smoke detector. This warning will state that deliberate disconnection of the unit 's smoke detector is a safety and fire hazard and is considered a violation of HQS.

#### **PART I. F. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]**

##### **Family Responsibilities**

The family is responsible for correcting the following HQS deficiencies:

- Tenant-paid utilities not in service
- Family-supplied appliances that are not working as intended
- Damage to the unit, or conditions caused by the resident, or resident guests, that will, if left uncorrected, cause damage to the unit or premises. This includes conditions that are beyond normal wear and tear.

"Normal wear and tear" is defined as any item that could not be charged against the tenant's security deposit, whether under CDC regulations or state law.

Beyond Normal Wear and Tear may include hoarding conditions, housekeeping deficiencies which may be detrimental to the health and/or safety of the occupants, or which may or have caused damage to the unit.

### **Owner Responsibilities**

The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits. However, if a family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

### **PART I. G. SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL [24 CFR 35.1225]**

If CDC is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than 6 years of age, living in an HCV-assisted unit has been identified as having an environmental intervention blood lead level, CDC must complete a risk assessment of the dwelling unit.

The risk assessment must be completed in accordance with program requirements, and the result of the risk assessment must be immediately provided to the owner of the dwelling unit.

In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner. Within 30 days after receiving the risk assessment report from CDC, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations [24 CFR 35.1325 and 35.1330].

If the owner does not complete the hazard reductions as required, the dwelling unit is in violation of HQS and CDC will take action in accordance with Section 7-II.G of this Chapter.

### **7.I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.403]**

If CDC determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, CDC must issue the family a new voucher with a term of 120 days. The family must try to find an acceptable unit as soon as possible, and must locate a unit before the voucher term of 120 days ends. If an acceptable unit is available for rental by the family, CDC must terminate the HAP contract in accordance with its terms.

## **PART II: THE INSPECTION PROCESS**

### **7.II.A. TYPES OF INSPECTIONS**

CDC conducts the following types of inspections as needed. Each type of inspection is discussed in the paragraphs that follow.

- *Initial Inspections.* CDC conducts initial inspections in response to a request from the family to approve a unit for participation in the HCV program. The unit must pass the HQS inspection before the effective date of the HAP Contract.
- *Annual Inspections.* HUD allows CDC to inspect each unit under lease annually to confirm that the unit still meets HQS.
- *Biennial Inspections.* Section 220 of the 2014 Appropriations Act allows CDC to comply with the requirement to inspect assisted dwelling units during the term of a HAP contract by conducting such inspections biennially instead of annually. Under this policy, CDC reserves the right to do so at its own discretion.
- *Special Inspections.* A special inspection may be requested by the owner, the family, or a third party as a result of problems identified with a unit between inspections.
- *Quality Control Inspections.* HUD requires that a sample of units be re-inspected by a supervisor or other qualified individual to ensure that HQS are being enforced correctly and uniformly by all inspectors.

### **7.II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]**

#### **Timing of Initial Inspections**

HUD requires that a unit pass HQS before the effective date of the lease and HAP Contract. HUD requires PHAs with fewer than 1,250 budgeted units to do the following within 14 calendar days of submission of the Request for Tenancy Approval (RFTA):

1. Complete the initial inspection,
2. Determine whether the unit satisfies HQS,
3. Notify the owner and the family of the determination within 14 calendar days of submission of the).

The 14-day period is suspended for any period during which the unit is not available for inspection [982.305(b)(2)].

To the extent practicable, CDC will complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 14 calendar days of submission of the Request for Tenancy Approval (RFTA).

**Initial Inspection Results and Re-inspections**

If any HQS violations are identified, the owner will be notified of the deficiencies and the time frame in which the deficiencies must be corrected. The CDC will normally require repairs to be completed within 30 days from the date of the initial inspection. Extensions may be granted, as outlined in Section 10 of this Chapter. CDC will request the owner notify CDC when the deficiencies have been corrected.

Re-inspections of units after an initial inspection will be conducted within 7 calendar days of the date CDC is notified that the repairs have been completed. This time frame may be longer during any period when there is a holiday.

If the owner fails to contact CDC within the thirty-day time frame or the unit fails HQS at the time of the re-inspection, CDC will notify the owner and the family that the unit has been rejected and that the family must search for another unit.

CDC may agree to conduct a second re-inspection, at its discretion, at the request of the family and owner.

**Utilities**

Generally, at initial inspection, the owner is responsible for demonstrating that all utilities are in working order including those utilities that the family will be responsible for paying.

**Appliances**

If the family is responsible for supplying the stove and/or refrigerator, CDC will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. The required appliances must be in place before the HAP contract is executed by CDC. CDC will execute the HAP contract based upon a certification from the family that the appliances have been installed and are working properly.

**7.II.C. ANNUAL/BIENNIAL HQS INSPECTIONS**

Section 220 of the 2014 Appropriations Act (Federal Register/Vol.79, No. 122 is located at the end of this Chapter) allows PHA's to comply with the requirement to inspect assisted dwelling units during the term of a HAP contract by inspecting such units not less than biennially instead of annually and to rely upon alternative inspection methods to meet this requirement.

However, a PHA may not use the alternative inspection method in lieu of the initial unit inspection or any interim inspection. PHA's are still required to conduct an initial inspection, prior to entering into a HAP contract, and interim inspections, if a family or government official notifies the PHA of a unit's failure to comply with the housing quality standards of the HCV program.

CDC has chosen to implement the following policy regarding annual and biennial inspections.

**INITIAL INSPECTIONS:**

An inspection must be completed, and must pass PRIOR to execution of a Housing Assistance Payments Contract and for any payment under that contract

**FIRST ANNUAL INSPECTION:**

An HQS inspection will be completed within 12 months (365 days) of the initial inspection. Units do not qualify for a biennial inspection in the first year leased, because the CDC finds that the relationship between the housing authority, landlord and the participant is new and necessitates an initial inspection to insure and reinforce the importance of this policy. If the first annual inspection passes on the first inspection date, and there have been no issues reported to CDC by the landlord or the client, the unit will then qualify for the biennial inspection process. If not, the unit will only qualify for the annual inspection process.

Delayed First Annual Inspections in crisis situations: If CDC is unable to complete the first annual inspection for health and safety concerns, crisis situations or other similar circumstances determined by the Housing Programs Manager and Executive Director, CDC may delay the first annual inspection and inspect the unit as soon as reasonably possible but no later than 24 months from the original passed inspection date.

**ANNUAL INSPECTION:**

If a unit fails an inspection, it will be placed in the annual inspection process. Once an annual inspection passes on the first inspection date the unit may be placed in the biennial inspection process as long as there have been no verifiable and documented complaints.

Delayed Annual Inspections in crisis situations: If CDC is unable to complete an annual inspection for health and safety concerns, crisis situations or other similar circumstances determined by the Housing Programs Manager and Executive Director, CDC may delay the annual inspection and inspect the unit as soon as reasonably possible but no later than 24 months from the original passed inspection date.

**BIENNIAL INSPECTIONS:**

If a unit passes on the first inspection date, AND there have been no verifiable and documented complaints from the landlord or participant (see below), the unit may be placed in the biennial inspection process. CDC has the discretion to perform annual inspections and not place the participant on a biennial inspection schedule. If this occurs, CDC will document the reasons and maintain those records in the participant file.

**INTERIM/SPECIAL INSPECTIONS:**

If a family, landlord, third party or government official reports a condition that is life-threatening, then the PHA must inspect the housing unit within 24 hours in accordance with 24 CFR 982.40. The PHA must re-inspect the housing unit within 24 hours of when

the PHA received the notification to verify the life-threatening circumstances have been resolved

If a family, landlord, third party or government official requests a special inspection, or CDC receives notification that a violation for substandard housing has been served from County or City officials, the CDC must inspect the unit within 15 days of when the PHA received the notification. In the event of extraordinary circumstances, if a unit is within a presidentially declared disaster area, HUD may waive the 24 hour or the 15-day inspection requirement until such time as an inspection is feasible.

**REPORT OF VALID POTENTIAL HAZARDS OR NEGATIVE CONDITIONS:**

If an annual, biennial, or special inspection results in verifiable programmatic violations or lease violations the unit will be placed in the annual inspection process. Programmatic violations and lease violations will be documented and taken into consideration on a case by case basis.

**Scheduling the Inspection [24 CFR 982.405(a)]**

If an adult family member or other adult designated by the family cannot be present on the scheduled date, the family should request that CDC reschedule the inspection. CDC and the family will agree on a new inspection date that generally should take place within seven (7) calendar days of the originally-scheduled date. CDC may schedule an inspection more than seven (7) calendar days after the original date for good cause.

CDC will only re-schedule an inspection one time.

If the family misses the first scheduled appointment for an inspection without notifying CDC, the inspector will place notification of the missed inspection on the family's door. The family will be required to contact CDC to schedule a re-inspection within 7 calendar days. If the family fails to contact CDC and reschedule, then CDC will reschedule the inspection and notify the family.

If the family misses a second scheduled appointment for an inspection without notifying CDC, CDC will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with CDC's policies.

**7.II.D. SPECIAL INSPECTIONS [HCV GB p. 10-30]**

CDC will conduct a special inspection if the owner, family, or another entity reports HQS violations in the unit, or other conditions not acceptable to CDC. During a special inspection, CDC may inspect only those deficiencies that were reported, or may conduct a full inspection, at its sole discretion. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs. If the annual/biennial inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled CDC may elect to conduct a full annual inspection.

Special Inspections may be requested for the following:

- Suspicion of unauthorized household members
- Belief of abatement
- Hoarding or Housekeeping (only after landlord has provided verification of their lease enforcement activities)

These are general guidelines. CDC reserves the right to schedule a special inspection for other reasons that CDC determines are reasonable.

#### **7.II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b), HCV GB p. 10-32]**

HUD requires a CDC supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

The unit sample must include only units that have been inspected within the preceding 3 months. The selected sample will include: (1) each type of inspection (initial, annual, and special); (2) inspections completed by each inspector; and (3) units from a cross-section of neighborhoods.

#### **7. II.F. INSPECTION RESULTS AND RE-INSPECTIONS FOR UNITS UNDER HAP CONTRACT**

##### **Notification of Corrective Actions**

The owner and the family will be notified in writing of the results of all failed inspections. When an inspection identifies HQS failures, CDC will determine:

- (1) Whether or not the failure is a life-threatening condition; and
- (2) Whether the family or owner is responsible.

When life threatening conditions are identified, CDC will immediately notify both parties. The notice will specify who is responsible for correcting the violation. The corrective actions must be corrected within 24 hours of the CDC notice.

When failures that are not life threatening are identified, CDC will send the owner and the family a written notification of the inspection results within seven (7) calendar days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected. No more than 30 calendar days (or any CDC approved extension) will be allowed for the correction.

For deficiencies which are the owner's responsibility to repair, the notice of inspection results will inform the owner that if life threatening conditions are not corrected within 24-hours, and non-life-threatening conditions are not corrected within the specified time

frame (or any CDC approved extension), the owner's HAP will be abated in accordance with CDC policy (see 7-II.G.).

Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any CDC approved extension) the family's assistance will be terminated in accordance with CDC policy.

### **Extensions**

For conditions that are life-threatening, CDC cannot grant an extension to the 24-hour corrective action period. For conditions that are not life-threatening, CDC may grant an exception to the required time frames for correcting the violation, if CDC determines that an extension is appropriate [24 CFR 982.404].

Extensions will be granted in cases where CDC has determined that the owner/participant has made a good faith effort to correct the deficiencies and is unable to do so for reasons beyond their control. Reasons may include, but are not limited to:

- Parts or services are not available, are on back order, or an alternative is being sought to bring the unit into compliance with HQS.
- Extraordinary expense: A repair is expensive (e.g. exterior painting or roof repair) and the owner needs time to obtain funds.
- Weather: A repair cannot be completed because of weather conditions.
- Reasonable accommodation is needed because the participating family includes a person with disabilities.
- Scheduling conflicts: The participant/owner must contact CDC at least one business day prior to the scheduled inspection date. If scheduling is the reason for the extension, CDC will require the repair be completed and re-inspected within 14 calendar days
- Medical / Hospitalization: A repair cannot be completed due to hospitalization or an extreme medical circumstance.

The length of the extension will be determined on a case by case basis, but will not exceed 60-days, except in the case of delays caused by weather conditions, health and safety concerns, crisis situations or other similar circumstances determined acceptable by the CDC. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 15 calendar days, once the weather conditions have subsided.

Owners/Participants may make requests for extensions by contacting CDC. CDC will document the date of the request, who made the request, the reason the extension is needed and if the extension has been granted. Contacting CDC means to write, email, or actually speak to the inspector either over the phone or in person. Messages are not considered "contacting CDC".

### **Re-Inspections**

CDC will conduct a re-inspection immediately following the end of the corrective period, or any CDC approved extension.

For Annual Inspections or non-life-threatening complaint inspections CDC will accept “**remote**” **repair verifications** to document the deficiencies have been completed. The owner or participant (responsible party) may notify CDC that the HQS deficiencies have been corrected. CDC will allow verification of the corrections to be submitted in one of the following methods.

1. Acceptable documentation supplied to CDC by the owner or participant. Acceptable documentation may include a receipt from a vendor which clearly specifies repairs made to the dwelling.
2. A picture submitted to CDC verifying the repairs were made.

If “remote” repair verifications are not received before the end of the corrective period or unacceptable or incomplete documentation is received, CDC will re-inspect the unit immediately following the end of the corrective period.

The family and owner will be given reasonable notice of the re-inspection appointment. If the deficiencies have not been corrected by the time of the re-inspection, CDC will send a notice of abatement to the owner, or in the case of family caused violations, a notice of termination to the family, in accordance with CDC policies. Abatement effective dates are clarified below.

If CDC is unable to gain entry to the unit in order to conduct the scheduled re-inspection, CDC will immediately reschedule the re-inspection. If CDC is unable to gain entry to the unit at the time of the second scheduled re-inspection, CDC will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family’s assistance in accordance with CDC’s policies.

### **7. II.G. ENFORCING OWNER COMPLIANCE**

If the owner fails to maintain the dwelling unit in accordance with HQS, CDC must take prompt and vigorous action to enforce the owner obligations.

#### **HAP Abatement**

If an owner fails to correct HQS deficiencies by the time specified by CDC, HUD requires CDC to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension) [24 CFR 985.2(f)].

No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.

CDC will make all HAP abatements effective the first of the month after the second failed HQS inspection. CDC will inspect abated units within 7 calendar days of the owner's notification that the work has been completed. Payment will resume effective on the day the unit passes inspection. During any abatement period, the family is responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

### **HAP Contract Termination**

CDC shall decide how long any abatement period will continue before the HAP contract will be terminated. CDC has the option to not terminate the contract until the family finds another unit, provided the family does so in a reasonable time [HCV GB p. 10-29] and must give the owner reasonable notice of the termination.

CDC will issue a voucher to permit the family to move to another unit. The unit will remain in abatement while the voucher is valid, once the voucher expires the Housing Assistance payment Contract for the abated unit will terminate. However, if the owner completes corrections and notifies CDC before the termination date of the HAP contract, CDC may rescind the HAP contract termination notice if:

- (1) The family still resides in the unit and wishes to remain in the unit; and
- (2) The unit passes inspection.

Reasonable notice of HAP contract termination by CDC is 30 calendar days. CDC will notify the landlord in writing at least 30 days prior to the HAP contract termination date.

### **7. II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]**

Families are responsible for correcting any HQS violations listed in paragraph 7.I.D. If the family fails to correct a violation within the period allowed by CDC (and any extensions), CDC will terminate the family's assistance. If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

### **EXHIBIT 7-1 HQS Inspection Guidance related to Electrical Outlets.**

#### **U.S. Department of Housing and Urban Development Public and Indian Housing**

---

Special Attention of: **Notice PIH 2010-10 (HA)**  
Office Directors of Public Housing;  
Regional Directors; Public Housing Issued: March 31, 2010  
Agencies.  
Expires: March 31, 2011

Cross References:

---

**SUBJECT: HQS Inspections for the Housing Choice Voucher Program and Guidance Related to Electrical Outlets**

**1. Purpose:**

This Notice reviews the existing Housing Quality Standards (HQS) requirements and existing guidance that Public Housing Agencies (PHAs) may rely upon when conducting inspections. It also offers additional guidance on what types of three-prong electrical outlets an inspector should consider acceptable under HQS.

**2. Applicability:**

This Notice applies to HUD programs that use the HQS requirements, including the following HUD-PIH rental assistance programs: Project-Based Voucher, Project-Based Certificate, and Housing Choice Voucher (HCV) Programs.

**3. Introduction:**

The goal of HUD's Section 8 Housing Choice Voucher (HCV) Program is to provide "decent, safe, and sanitary" housing at an affordable cost to low-income families. To accomplish this, HCV program regulations at 24 CFR 982.401 set forth basic housing quality standards (HQS). All units must meet HQS before a PHA can approve a tenancy, and throughout the term of the lease. PHAs must inspect each assisted unit at least annually to ensure the unit meets HQS. HQS define "standard housing" and establish the minimum criteria for the health and safety of program participants.

Current HQS regulations consist of 13 key aspects of housing quality, and acceptability criteria to meet each performance requirement. HQS includes requirements for all housing types, including single and multi-family dwelling units, as well as specific requirements for special housing types such as manufactured homes, congregate housing, single room occupancy, shared housing, and group residences.

**4. Background:**

A May 2008, HUD Office of Inspector General (OIG) report concluded that HUD did not have adequate controls to ensure that HCV program housing was in material compliance with HUD's HQS. This Notice reviews the existing HQS requirements and identifies the guidance that PHAs may rely upon when conducting inspections until the Department issues updated guidance on HQS. The Notice is divided into two sections. The first section lists the HUD program requirements that apply to HQS and supplementary guidance that PHAs and inspectors may rely upon when conducting inspections. The second section deals with the issue of electrical receptacles, which is an area of concern for many inspectors conducting HQS inspections.

**5. Housing Quality Standards:**

**A. General**

The HCV program is designed to cover a diverse housing stock of different ages, structure types, geographic location and climate. In light of this approach, HUD issued guidance that PHAs can rely upon for the interpretation of HQS. It is important to note that,

based upon the diversity of the housing stock nationwide, many of the criteria rely upon the expertise and knowledge of a PHA's housing inspectors to determine whether a unit meets HQS. This Notice identifies program requirements related to HQS inspections as well as reference materials that HUD has issued to supplement the regulatory requirements.

### **B. Program Requirements**

HUD's current HQS regulations for the HCV program are found at 24 CFR 982.401, and consist of the 13 key aspects of housing quality and the accompanying Performance Requirements and Acceptability Criteria. The PHA must comply with the regulations, which are always the controlling requirement if there is a conflict between them and any other guidance. The Department also issued the following two inspection forms. PHAs must comply with one of these forms when conducting HQS inspections.

- (1) Inspection Form HUD-52580; or
- (2) Inspection Checklist, Form HUD-52580A

### **C. Supplemental Materials**

The Department issued supplemental materials, which set out daily operating procedures in more detail than is included in the regulations. While the supplemental materials do not have the force of regulation, PHAs may rely on the materials as reflective of HUD's interpretation of its regulations. The Department issued the following supplemental materials to assist PHA inspectors in determining if a unit will pass the HQS inspection:

- (1) Chapter 10 of the Housing Choice Voucher Program Guidebook, 7420.10G, and
- (2) Housing Inspection Manual.

Although the Department designed these materials to minimize the amount of ambiguity and subjectivity in the application of the requirements, there will be situations where the professional judgment of the inspector will be necessary to differentiate between a pass or fail condition.

## **6. Electrical Receptacles:**

### **A. Background**

The HCV program regulations at 24 CFR 982.401(f) set forth the HQS requirements and acceptability criteria with respect to illumination and electricity for the housing unit. The regulations state that a unit must include the following acceptability criteria for electricity.

- the kitchen and bathroom must have one permanent ceiling or wall light fixture in proper operating condition;
- the kitchen must have at least one electrical outlet in proper operating condition; and
- the living room and each bedroom must have at least two electrical outlets in proper operating condition (permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets).

The inspector is responsible for determining whether the outlets are in "proper operating condition." While the regulation does not define what the Department considers "proper

operating condition,” HUD-Form 52580A cites examples of electrical hazards including:

- broken wiring;
- non- insulated wiring;
- frayed wiring;
- improper types of wiring, connections or insulation;
- wires lying in or located near standing water or other unsafe places;
- light fixture hanging from electric wiring without other firm support or fixture;
- missing cover plates on switches or outlets;
- badly cracked outlets;
- exposed fuse box connections; and
- overloaded circuits evidenced by frequently “blown” fuses (which the inspector determines by asking the tenant).

### **B. Types of Outlets and Their Proper Operating Condition**

In response to an OIG audit, HUD is issuing this Notice to clarify the proper operating condition of electrical outlets (110V/120V). There are two basic types of outlets: two-pronged (also called “two-slotted”) and three-pronged outlets. Three-pronged outlets have an additional hole for a ground wire, and are “grounded outlets.” Two-pronged outlets are “ungrounded.”

Generally, original two-pronged, ungrounded outlets and original three-pronged, grounded outlets are acceptable under the HQS. “Upgraded” outlets, which have been changed from two-pronged to three-pronged, are the major area of concern in this Notice.

#### **Ungrounded Outlets**

Older construction (pre-1975) housing will usually have ungrounded two-pronged outlets, which is an acceptable type of outlet under the HQS. (Figure 1) Homes constructed with a two-wire electrical system include only a hot and neutral wire. Two-pronged ungrounded systems and outlets are acceptable under HQS as long as the outlet is in proper operating condition. An owner does not need to upgrade the electrical system of the unit (convert two-pronged outlets to three-pronged) in order for the unit to pass an HQS inspection.

#### **Grounded Outlets**

Newer construction housing will usually have three-pronged outlets, which are acceptable under HQS if the outlets are grounded. (Figure 2) Newer units constructed with a three wire electrical system include a hot, neutral, and ground wire. This Notice outlines traditional methods of testing grounded outlets for proper operating condition below.

#### **“Upgraded” Outlets**

Many of the cords for today’s appliances contain three-pronged plugs, which can cause problems when an older home does not have three-pronged outlets for these grounded plugs. In the case of older homes, owners often replace two-pronged, ungrounded outlets with three-pronged, grounded type outlets in order to establish appropriate outlets

for appliances that have cords with three-pronged plugs. However, in some cases, owners may replace two-pronged, ungrounded outlets with the three-pronged, grounded type outlets without the necessary rewiring that adds a ground wire to the newly installed, grounded type outlet.

Three-pronged, grounded type outlets should not be substituted for ungrounded outlets unless

- (1) a ground wire is connected to the outlet, or
- (2) a Ground Fault Circuit Interrupter (GFCI)

protects the outlet. (Figure 3) Installing a new ground wire may require a licensed electrician to install a new wire to the circuit breaker box and may be prohibitively expensive. A more cost-effective method is to protect the outlet with a GFCI, which provides protection to the outlet. If the GFCI senses a difference in current flow between the hot and the neutral terminals, it shuts off the flow of current to the outlet.

An older construction house with a grounded outlet (Figure 2) would be an indication that the unit may have undergone some upgrading. In such cases, the Department recommends testing a sample of outlets in the unit to determine if three-pronged outlets are in proper operating condition, in addition to verifying the proper operating condition of the required number of outlets per room.

### **Testing of Outlets to Determine Proper Operating Condition Two-pronged, Ungrounded Outlets**

The traditional method of testing a two-pronged, ungrounded outlet is to plug an appliance into the outlet and verify that the appliance turns on. This simple method is acceptable for determining that the ungrounded outlet is in proper operating condition and meets HQS.

### **Three-pronged Outlets**

A three-pronged outlet must meet one of the following three standards for the inspector to consider the outlet in "proper operating condition" as required by HQS:

1. The outlet is properly grounded.
2. A GFCI protects the three-pronged, ungrounded outlet.
3. The outlet complies with the applicable state or local building or inspection code.

The inspector needs to use an outlet tester to determine whether the outlet is properly grounded. There are two types of outlet testers that an inspector can use to determine a properly grounded outlet: a two-wire tester or a three-pronged tester.

### **Two Wire Tester Three Prong Tester**

To test an outlet with a two-wire tester, an inspector inserts one probe into the hot slot (usually, the smaller slot) of the outlet and one probe into the ground hole (bottom hole). If the outlet is properly grounded, the indicator light should light brightly in the same manner that the light shines when the inspector inserts the probes of the tester into the hot and neutral (right and left) slots.

To test an outlet with a three-pronged tester, the inspector should plug the device in and

note the pattern of the lights. Usually there will be a legend printed on the device describing what the lights indicate. The instructions provided by the manufacturer of the tester should be followed. If the inspector determines that the outlet is not properly grounded based on the results of the outlet tester, he/she may need to conduct some additional investigation to determine if a GFCI protects the outlet. A GFCI can be located at the outlet that is being tested or upstream on the circuit of the outlet. If the GFCI is at an outlet, it will look similar to Figure 3 above, and the inspector should accept the outlet as GFCI-protected after testing the functionality of the GFCI as indicated below. As stated above, an ungrounded outlet may be protected by a GFCI at another outlet that is upstream from the ungrounded outlet. If the inspector suspects that this may be the case, there is an easy way to determine if the GFCI protects an outlet. The inspector should “trip” all of the GFCIs in the unit; both at the outlet and in the circuit breaker box and determine if there is power to the ungrounded outlet. If the power to the outlet is off, then one of the GFCIs protects the outlet.

Occasionally, a GFCI may be located on the circuit breaker at the load center (circuit breaker box). The following image depicts a GFCI breaker: the distinctive indicator is the “Test” button mounted on the breaker. An inspector may want to “trip” the GFCI in order to identify that the power shuts off to any ungrounded outlet that is protected by the breaker. To “trip” the GFCI, the inspector would press the test button (A) and the switch (B) will move and shut off power to the circuit. This allows the inspector to verify that the outlet is GFCI-protected.

### **GFCI Breaker Testing of Ground Fault Circuit Interrupters (GFCIs) To Determine Proper Operating Condition**

If an outlet contains a GFCI, the GFCI must work as designed in order for the inspector to consider the GFCI in proper operating condition. However, a GFCI can be in proper operating condition even if it is not grounded. A GFCI is in proper operating condition if pressing the “TEST” button on the GFCI trips the circuit and shuts off power through the receptacle. It is important to note that some three-prong testers have a GFCI test button function built into the tester. The test button on a three-prong tester only works to trip a grounded GFCI. Therefore, if the GFCI is not grounded, the circuit tester will erroneously indicate that the GFCI is malfunctioning. As a result, inspectors cannot depend solely on three prong testers to determine if a GFCI is in proper operating condition. Instead, the inspector should press the “TEST” button, and if the button trips the circuit and shuts off the power through the receptacle, the GFCI is in proper operating condition.

**7. For Further Information:** Contact Brian Gage, Office of Housing Voucher Management, Room 4210, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, at (202) 402-4254./s/

Sandra B. Henriquez, Assistant Secretary  
for Public and Indian Housing  
2344530.1