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Improving Test-Taking Skills

Introduction

LEARNING OUTCOMES

Develop and master the skills needed to be an effective and efficient HQS inspector. Upon completion of HCV Housing Quality Standards (HQS), you should be able to:

- Recognize the HQS requirements for electricity, including the number of outlets required for each room, how outlets and fixtures must be installed, their workability, and identification of electrical hazards, and inspect and rate according to these requirements
- Identify the minimum general security requirements in terms of accessibility and lockability, and inspect and rate according to these requirements
- Define, inspect, and rate kitchens following the basic requirements, including what constitutes “fail” or “pass with comment” ratings for each aspect of the kitchen
- Inspect and rate bathrooms, building exterior, water and cooling system, and plumbing
- Identify and appropriately address lead-based paint hazards and indoor air quality hazards
- Recognize and apply the Section Eight Management Assessment Program (SEMAP) indicators that apply to the HQS function
- Conduct an on-site inspection

PROGRAM REFERENCES

Code of Federal Regulations (CFR), Notices and Handbooks

Policies and procedures for HUD-sponsored programs are set forth in several sources. Title 24 of the Code of Federal Regulations (CFR) is the principal source of federal housing regulations. The CFR is published annually (usually around September), effective April 1.

Throughout the year, the *Federal Register* publishes proposed changes in regulations and invites the public to comment on these changes. Regulations published as proposed rules in the *Federal Register* are for comment only and should not be implemented. When rules are published as interim rules with an effective date, they are to be implemented when stated in the rule.

In publishing a final rule, the *Federal Register* describes the comments received and the reasons for acceptance of the final rule as published.

HUD handbooks contain regulations, clarifications, and guidance. They provide technical assistance to those implementing HUD programs. In addition, HUD issues official notices not only to update handbooks and regulations but also to specify the procedures to be followed in implementing changes in regulations.

HUD handbooks and notices and the *Federal Register* can be downloaded from the web. Addresses at HUD's web site change from time to time, but as of this writing, the following addresses are current.

Guide to Web Sites

HUD

HUD's home page: <https://www.hud.gov/>

HUD's housing library: <https://www.hud.gov/library/>

HUD's public housing notices: https://www.hud.gov/program_offices/administration/hudclips/notices/pih

HUDCLIPS

In addition to its official web page, HUD also maintains a webpage called HUDCLIPS, a “client information and policy system” with “full searchable databases.” HUDCLIPS offers “free access to HUD’s official repository of policies, procedures, announcements, and other materials.”

- The HUDCLIPS home page, where you can look up handbooks, notices, *Federal Register* entries, and other documents: https://www.hud.gov/program_offices/administration/hudclips/notices/pih
- New HUD documents (a running list of all new documents published by HUD): https://www.hud.gov/program_offices/administration/hudclips/whatsnew
- Library of HUD forms: https://www.hud.gov/program_offices/administration/hudclips/forms/

Government Printing Office

- From the website of the Government Printing Office (GPO), you can search the *Federal Register* from 1994 on: <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>

Guide to Housing Regulations (24 CFR)

Regulation	Topic
Part 1	Nondiscrimination in federally assisted HUD programs—effectuation of Title VI of the Civil Rights Act of 1964
Part 5	General HUD program requirements and waivers (PH & HCV)
Part 8	Nondiscrimination based on handicap in federally assisted HUD programs and activities
Part 35	Lead-based paint poisoning prevention in certain residential structures (PH & HCV)
Part 92	HOME Regulations
Part 100	Discriminatory conduct under the Fair Housing Act (PH & HCV)
Part 103	Fair housing complaint processing (PH & HCV)
Part 107	Nondiscrimination and equal opportunity in housing under Executive Order 11063
Part 108	Compliance procedures for affirmative fair housing marketing (PH & HCV)
Part 110	Fair housing poster
Part 146	Nondiscrimination on the basis of age in HUD programs or activities receiving federal financial assistance
Part 761	Drug elimination programs
Part 792	Section 8 fraud recoveries
Part 882	Section 8 moderate rehabilitation programs
Part 888	Section 8 HAP program—FMRS and contract rent annual adjustment factors
Part 891	Supportive housing for elderly persons and persons with disabilities
Part 902	Public Housing Assessment System (PHAS)
Part 903	Public Housing Agency Plans
Part 905	The Public Housing Capital Fund Program
Part 908	Electronic submission of family data (HVC & PH)
Part 960	Admission to and occupancy of public housing
Part 963	Public housing—contracting with resident-owned businesses
Part 964	Tenant participation and tenant opportunities in public housing
Part 965	PHA-owned or leased projects—general provisions
Part 966	Public housing lease and grievance procedures
Part 970	Public Housing Program—demolition or disposition of public housing projects
Part 971	Assessment of the reasonable revitalization potential of certain public housing required by law
Part 982	Section 8 tenant-based assistance—Housing Choice Voucher Program
Part 983	Project-Based Voucher Program
Part 984	Section 8 and Public Housing Family Self-Sufficiency Program
Part 985	Section 8 Management Assessment Program (SEMAP)
Part 990	Annual contributions for operating subsidy

CHAPTER 1 Administration

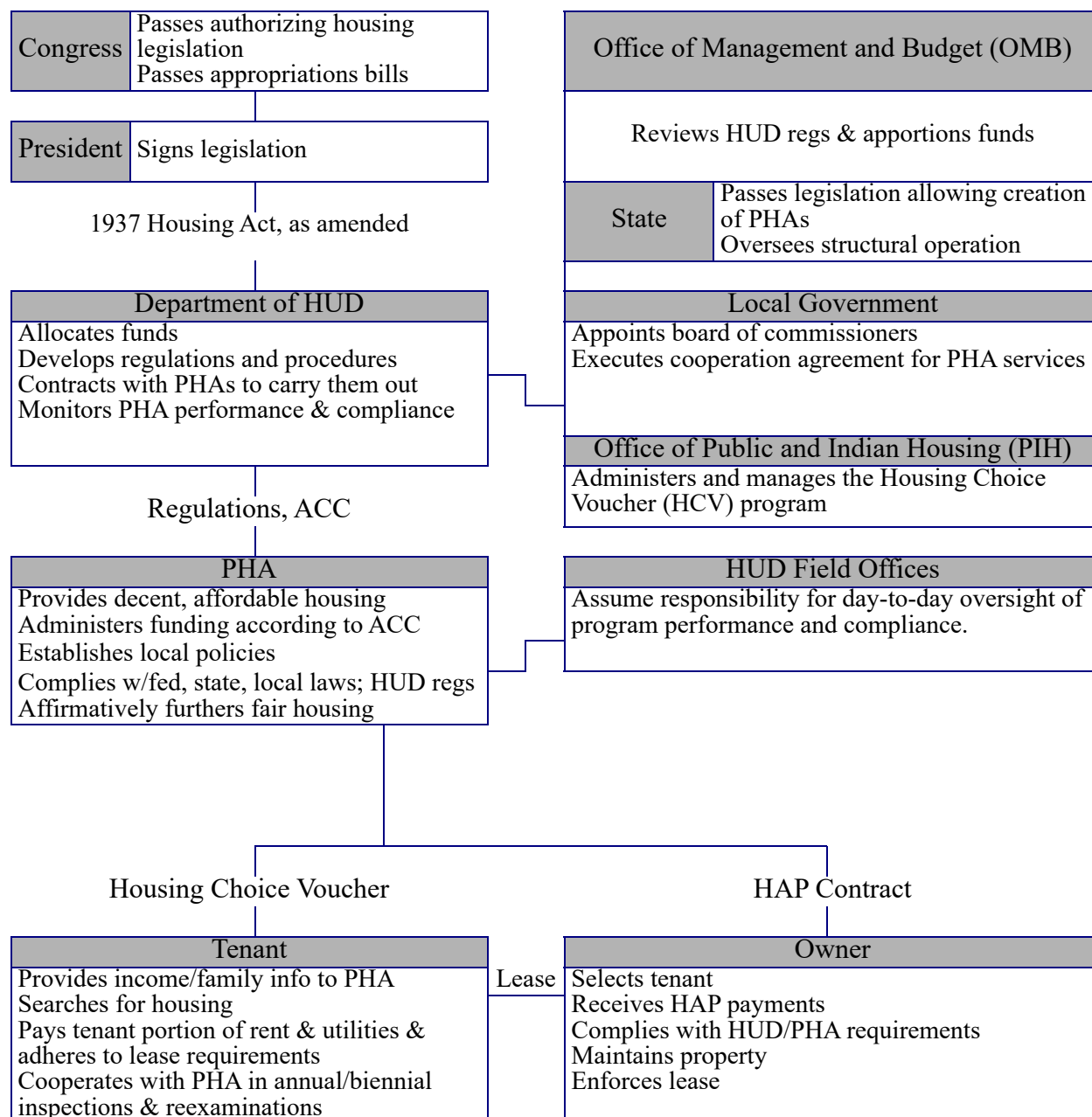
Learning Outcomes

Upon completion of this chapter, you should be able to:

- Recognize the working relationships between HUD, the PHA, Congress, and other key players
- Read and interpret a HUD regulation
- Identify and apply key program documents, including HUD-required documents and other forms
- Define the primary responsibilities of the PHA, owners, and families under the HCV program
- Recognize the basic requirements necessary to maintain HQS compliance

SECTION 1 PROGRAM COMPONENTS

Key Relationships



SECTION 1: Program Components

Project-Based vs. Tenant-Based Subsidy

In public housing, families have to live in the building which has the subsidy attached to it. This is referred to as *project-based subsidy*.

Under the tenant-based subsidy, families can choose their unit.

How HUD Communicates

- The Internet:

HUD's Home Page:	https://www.hud.gov
PIH Home Page:	https://www.hud.gov/program_offices/public_indian_housing
HUD regs, notices, forms	https://www.hud.gov/program_offices/administration/hudclips
PIC Information	https://www.hud.gov/program_offices/public_indian_housing/systems/pic
PIC User guides	https://www.hud.gov/program_offices/public_indian_housing/systems/pic/userguides
SEMAP Info:	https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/semaph
NMA Web Site:	https://www.nanmckay.com

How to Read a HUD Regulation

Rules issued in the *Federal Register* are organized as follows:

- List of regulations affected
- Subject
- Rule status (final, interim, proposed)
- Effective (implementation) date
- Contact person for comments
- Preamble
- Comments
- Text of new or revised regulations

See sample pages following.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**24 CFR Parts 888, 982, 985**

[Docket No. FR 4606-I-01]

RIN 2501-AC75

Fair Market Rents: Increased Fair Market Rents and Higher Payment Standards for Certain Areas**AGENCY:** Office of the Secretary, HUD.**ACTION:** Interim rule.

SUMMARY: This interim rule implements HUD's new fair market rent (FMR) policy. The new FMR policy targets relief to areas where higher FMRs are needed to help families, assisted under HUD's Housing Choice Voucher Program as well as other HUD programs, find and lease decent and affordable housing. With respect to the Housing Choice Voucher Program, the policy provides that where necessary to ensure the effective operation of this program, PHAs will be allowed to set their payment standards based on the 50th percentile rent rather than the published 40th percentile FMR. This aspect of the policy is designed to ensure that families with housing vouchers have access to at least half of all available units in those areas. In addition, the new FMR policy increases FMRs to the 50th percentile in those metropolitan areas where an FMR increase is most needed to promote residential choice, help families move closer to areas of job growth, and deconcentrate poverty. Where it is determined that an FMR increase is needed in a metropolitan area, the increased FMR applies to all the HUD programs that use FMRs in that metropolitan area.

DATES: *Effective Date:* December 1, 2000.
Comment Due Date: November 16, 2000.

ADDRESSES: Interested persons are invited to submit written comments regarding this interim rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. Facsimile (FAX) comments will not be accepted.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Office of Public and Assisted Housing Delivery, Office of Public and Indian Housing, Department of Housing and Urban Development, Room 4210, 451

Seventh Street, SW., Washington, DC 20410-8000, telephone number (202) 700-8177.

Regulations affected

Office of Policy Development and Research, Department of Housing and Urban Development, Room 8224, 451

Subject

708-0590. Persons with hearing or speech impairments may access this

Rule status

800-877-8339. (Other than the "800" TTY number, telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION:**I. HUD's New FMR Policy**

HUD's new FMR policy, being implemented through this interim rule, is designed to achieve two fundamental program objectives: (1) Ensuring that low-income families are successful in finding and leasing decent and affordable housing; and (2) ensuring that low-income families have access to a broad range of housing opportunities throughout a metropolitan area. To achieve the first objective, the policy provides that for the Housing Choice Voucher program, PHAs will be allowed to set their payment standards based on the 50th percentile rent rather than the published 40th percentile FMR in areas where families are having difficulty using housing vouchers to find and lease decent and affordable housing. To achieve the second objective, FMRs will be increased to the 50th percentile in those metropolitan areas where a FMR increase is most needed to promote residential choice, help families move closer to areas of job growth, and deconcentrate poverty. Where it is determined that a FMR increase is

Implementation date

programs that use FMRs in that area.

Section II of this preamble which immediately follows further discusses how HUD intends to achieve these two objectives through its new FMR policy.

II. Increasing the Proportion of Voucher-Holders That Find Housing and Expanding Housing Opportunities Throughout the Metropolitan Area

Ensuring that voucher-holders are

Contact person for comments

and lease decent and affordable housing. In some areas, however, these FMRs are inadequate to enable these families to lease decent and affordable

units. HUD's new FMR policy authorizes PHAs to use voucher payment standards based on a 50th percentile rent (rather than the published 40th percentile FMR) where fewer than three-fourths of the families issued vouchers succeed in using them to find and lease housing.

Unlike HUD's former certificate program, in which maximum subsidy levels were governed by the FMR, maximum subsidies under the new Housing Choice Voucher program are governed by a "payment standard." Rather than being required to set subsidy levels at the FMR that applies

Preamble Starts here and goes on

approval, to set voucher payment standard amounts anywhere between 90 and 110 percent of the published FMR for each unit size. PHAs also may set different payment standard amounts within this range for designated parts of the FMR area. This gives PHAs substantial flexibility to adapt the voucher program to local market conditions.

Most PHAs can run a successful voucher program within this normal 90 to 110 percent range of the current published 40th percentile FMR. In some cases, however, even the maximum 110 percent of the FMR is too low to enable families to find suitable housing with a voucher. The new policy addresses this problem by providing that where a PHA has increased its voucher payment standard to 110 percent of the FMR, but still finds that fewer than 75 percent of all families issued rental vouchers over the course of six months have become participants in the voucher program, the PHA will be eligible to set its payment standard based on a 50th percentile rent (rather than the published 40th percentile FMR).

PHAs that qualify for the higher payment standard amounts will still retain the flexibility to vary their payment standard amounts. The range of payment standards available to them will simply be 90 to 110 percent of a 50th percentile rent (rather than 90 to 110 percent of a published 40th percentile FMR).

This policy which is directed to achieving higher success rates among voucher-holders in finding decent and affordable housing is implemented in § 982.503(e).

Ensuring that low-income families have access to a broad range of housing opportunities throughout the metropolitan area. Another objective of the new policy is to ensure that low-income families are free to move to

FMR area reside in the 5 percent of the census tracts within the FMR area that have the largest number of program participants.

(2) If the FMRs are set at the 50th percentile rent in accordance with paragraph (c)(1) of this section, HUD will set the FMRs at the 50th percentile rent for a total of three years.

(i) At the end of the three-year period, HUD will continue to set the FMRs at the 50th percentile rent only so long as the concentration measure for the current year is less than the concentration measure at the time the FMR area first received an FMR set at the 50th percentile rent. HUD will publish FMRs based on the 40th percentile rent for FMR areas that do not qualify for continued use of the 50th percentile rent.

(ii) For purposes of this section, the term "concentration measure" means the percentage of tenant-based rental program participants in the FMR area who reside in the 5 percent of the census tracts within the FMR area that have the largest number of program participants.

(iii) FMR areas that do not meet the test for continued use of FMRs set at the 50th percentile will be ineligible to use FMRs set at the 50th percentile for a period of three years.

(iv) A PHA whose jurisdiction includes one or more FMR areas that are no longer eligible to use FMRs set at the 50th percentile may be eligible for a higher payment standard under § 982.503(f).

* * * * *

(f) Unit size adjustments. * * *

(g) *Manufactured home space rental.* The FMR for a manufactured home space rental (for the voucher program under part 982 of this title) is:

(1) 40 percent of the FMR for a two bedroom unit; or

(2) When approved by HUD on the basis of survey data submitted in public comments, either the 40th or 50th percentile as applicable of the rental distribution of manufactured home spaces for the FMR area. HUD accepts public comments requesting revision of the proposed manufactured home spaces FMRs for areas where space rentals are thought to differ from 40 percent of the FMR for a two-bedroom unit. To be considered for approval, the comments must contain statistically valid survey data that show either the 40th or 50th percentile manufactured home space rent (including the cost of utilities for the manufactured home) for the FMR area. Once approved, the revised manufactured home space FMRs establish new base-year estimates that

will be updated annually using the same data used to update the FMRs.

PART 982—SECTION 8 TENANT BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

3. The authority citation for part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

4. In § 982.503, paragraphs (b)(2), (c)(2) and the introductory paragraph of (c)(3)(i) are revised, paragraph (e) is redesignated as paragraph (g), and new paragraphs (e) and (f) are added to read as follows:

§ 982.503 Voucher tenancy: Payment standard amount and schedule.

* * * * *

(b) * * *

(2) The PHA must request HUD approval to establish a payment standard amount that is higher or lower than the basic range. HUD has sole discretion to grant or deny approval of a higher or lower payment standard amount. Paragraphs (c) and (e) of this section describe the requirements for approval of a higher payment standard amount ("exception payment standard amount").

(c) *HUD approval of exception payment standard amount. * * **

(2) *Above 110 percent of FMR to 120 percent of published FMR.* (i) The HUD Field Office may approve an exception payment standard amount from above 110 percent of the published FMR to

That portion of the section not listed remains unchanged

this section (and that such approval is also supported by an appropriate program justification in accordance with paragraph (c)(4) of this section).

(A) *Median rent method.* In the median rent method, HUD determines the exception payment standard amount by multiplying the FMR times a fraction of which the numerator is the median gross rent of the exception area and the denominator is the median gross rent of the entire FMR area. In this method, HUD uses median gross rent data from the most recent decennial United States census, and the exception area may be any geographic entity within the FMR area (or any combination of such entities) for which median gross rent data is provided in decennial census products.

(B) *40th or 50th percentile rent method.* In this method, HUD determines that the area exception payment standard amount equals either

the 40th or 50th percentile of rents for standard quality rental housing in the exception area. HUD determines whether the 40th or 50th percentile rent applies in accordance with the methodology described in § 888.113 of this title for determining FMRs. A PHA must present statistically representative rental housing survey data to justify HUD approval.

Compare with previous regulation

disabilities.

(3) *Above 120 percent of published*

That portion of the section either above or below remains unchanged

Secretary determines that.

* * * * *

(e) *HUD approval of success rate payment standard amounts.* In order to increase the number of voucher holders who become participants, HUD may approve requests from PHAs whose FMRs are computed at the 40th percentile rent to establish higher, success rate payment standard amounts. A success rate payment standard amount is defined as any amount between 90 percent and 110 percent of the 50th percentile rent, calculated in accordance with the methodology described in § 888.113 of this title.

(1) A PHA may obtain HUD Field Office approval of success rate payment standard amounts provided the PHA demonstrates to HUD that it meets the following criteria:

(i) Fewer than 75 percent of the families to whom the PHA issued rental vouchers during the most recent 6 month period for which there is success rate data available have become participants in the voucher program;

(ii) The PHA has established payment standard amounts for all unit sizes in the entire PHA jurisdiction within the FMR area at 110 percent of the published FMR for at least the 6 month period referenced in paragraph (e)(1)(i) of this section and up to the time the request is made to HUD; and

(iii) The PHA has a policy of granting automatic extensions of voucher terms to at least 90 days to provide a family who has made sustained efforts to locate suitable housing with additional search time.

(2) In determining whether to approve the PHA request to establish success rate payment standard amounts, HUD will consider whether the PHA has a

SECTION 1: Program Components

Key Program Documents

Annual Contributions Contract (ACC)

An Annual Contributions Contract (ACC) is a written contract between HUD and a PHA.

Under the ACC, HUD agrees to make payments to the PHA, over a specified term, for housing assistance payments to owners and for the PHA administrative fee.

The ACC specifies the maximum payment over the ACC term.

The PHA agrees to administer the program in accordance with HUD regulations and requirements.

The ACC does not specify how many units are to be funded. The PHA makes that projection in the budget documents.

HUD's commitment to make payments for each funding increment in the PHA program constitutes a separate ACC.

Commitments for all funding increments in a PHA program are listed in one consolidated contractual document called the Consolidated Annual Contributions Contract (Consolidated ACC).

A single Consolidated ACC covers funding for the PHA tenant-based assistance program.

Administrative Plan

General Information

The administrative plan is the PHA's principal statement of the policies to be used in the administration of the HCV program.

The PHA must adopt a written administrative plan that establishes local PHA policies for administration of the program in accordance with HUD requirements.

The administrative plan must be revised to comply with HUD requirements.

The administrative plan and revisions must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials, and is a supporting document to the PHA plan and must be available for public review.

SECTION 1: Program Components

The written administrative plan does not have to be approved by HUD, but must be available for audit.

HUD approval is no longer required to establish a residency preference.

The PHA may only adopt or implement residency preferences in accordance with nondiscrimination and equal opportunity requirements listed at 24 CFR 5.105(a). Any PHA residency preference must be included in the PHA plan in the statement of PHA policies that govern eligibility, selection and admission to the program.

The purpose of the plan is to prevent misunderstandings between PHA staff, landlords and program participants, to avoid lawsuits and provide consistency.

The PHA must comply with all equal opportunity requirements imposed by contract and federal law

Contents of the Administrative Plan

The PHA administrative plan must cover PHA policies on these subjects:

- Applicant selection from the waiting list, preferences, procedures for removing applicant names from the waiting list, and closing and reopening the waiting list
- Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions of the voucher term
- Special rules for special purpose funding
- Occupancy policies, including definitions of *family* and *continuously assisted*, in addition to standards for admission or termination based on criminal activity or alcohol abuse
- Outreach to owners outside areas of low income or minority concentration
- Assistance to families who claim illegal discrimination prevents them from leasing a suitable unit
- Family information to be provided to prospective owners
- Owner disapproval
- Subsidy standards
- Family absence from unit

SECTION 1: Program Components

- Determination of who remains in the household when the family breaks up
- Informal review procedures for applicants
- Informal hearing procedures for participants
- Process for establishing and revising voucher payment standards, including policies on decreases in the payment standard during the HAP contract term
- Method of determining that rent to owner is a reasonable rent initially and during the term of the HAP
- Choice whether to offer particular special housing types
- Special policies on special housing types (e.g., shared housing)
- Policies concerning payments by a family to the PHA of amounts the family owes to the PHA
- Interim redeterminations of family income and composition
- Restrictions, if any, on the number of moves a participant family can make
- Approval by the board or other authorized officials to charge the administrative fee reserves
- PHA screening of applicants for family behavior or suitability for tenancy.
- Standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 24 CFR 982.553, Crime by Family Members.

Inspection-Related Items to Be Covered in the Admin Plan

As far as HQS is concerned, there are also several items with regard to inspections that should be included in the PHA's administrative plan. They are:

- Items requiring repair within 24 hours
- Abatement procedures when HQS violations are not corrected
- Reinspection policy
- Variations, if any, to HUD acceptability criteria

SECTION 1: Program Components

Use of HUD-Required Contracts and Other Forms

The PHA must use program contracts and other forms required by HUD headquarters including:

- ACC (between HUD and the PHA)
- HAP contract (between the PHA and owner)
- Lease language in the tenancy addendum (between the owner and tenant)

Required program contracts and other forms must be word-for-word in the form required by HUD. Additions or modifications must be approved by HUD headquarters.

The Voucher (Form HUD-52646)

Authorizes the family to look for a unit.

Specifies PHA and family rights and responsibilities during the period of the family's participation.

The Housing Assistance Payments (HAP) Contract (HUD-52641)

The HAP contract is executed between the PHA and the owner.

The contract specifies rights and responsibilities of the owner and PHA.

The PHA agrees to pay housing assistance payments to the owner in return for owner compliance with program rules.

The HAP contract term is the same as the lease.

The HAP contract must be in the form required by HUD.

The Tenancy Addendum

The Tenancy Addendum (HUD-52641-a) required by HUD is included both in the HAP contract and in the lease between the owner and the tenant.

SECTION 1: Program Components

Authorization for Release of Information/Privacy Act Notice

All adult household members (and spouse regardless of age) are required to sign form HUD- 9886, *Authorization for Release of Information/Privacy Act Notice*.

The release can be used between regularly scheduled reexaminations in the event that previously unreported income comes to the attention of the PHA.

The release can be used by attaching it to a blank verification form.

PHAs are required to obtain each applicant's certification that:

- Income and other information provided to the PHA is accurate and complete, and
- He or she understands that false statements are punishable under federal law

The HUD-9886 release may only be used for verification of sources specified on the form.

HUD also requires that the PHA review with applicants and participants the *Authorization for Release of Information/Privacy Act Notice*, which explains:

- How HUD will use the information provided by the participant
- HUD's restriction on disclosure of the information
- That other information requested by the PHA are HUD eligibility requirements

The applicant should sign the *Authorization for Release of Information/Privacy Act Notice*, and a copy should be retained in the applicant/participant file.

- Note: Consent form expires 15 months after date signed

Program Accounts and Records

The PHA must maintain complete and accurate accounts and records in accordance with HUD requirements so that a speedy and effective audit can be conducted.

The records must be in the form required by HUD, including requirements governing computerized or electronic forms of recordkeeping.

SECTION 1: Program Components

HUD shall have full and free access to all PHA offices and facilities and to all accounts and other records of the PHA that are pertinent to the administration of the program.

During the term of each assisted lease, and for at least three years thereafter, the PHA must keep:

- A copy of the executed lease
- The HAP contract
- The application from the family

The PHA must retain for at least three years:

- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants
- An application from each ineligible family and the notice sent that stated the applicant is not eligible
- HUD-required reports
- Unit inspection reports
- Lead-based paint inspection records as required by 24 CFR 982.401
- Accounts and other records supporting its budget and financial statements for the program
- Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract)
- Other records specified by HUD

SECTION 2 SUMMARY OF PHA, OWNER, AND FAMILY RESPONSIBILITIES

PHA Responsibilities

The PHA must comply with the consolidated ACC, the application, HUD regulations and other requirements, and the PHA's administrative plan.

Typical PHA responsibilities are:

- Publish and disseminate information about the availability and nature of housing assistance programs
- Explain the program to families and owners
- Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration
- Encourage owners to make units available for leasing in areas outside poverty or racial concentration locales
- Affirmatively further fair housing goals and comply with equal opportunity requirements
- Make efforts to help persons with disabilities find satisfactory housing
- Receive applications from families
- Determine family eligibility
- Maintain the waiting list
- Select applicants
- Issue vouchers
- Provide housing information to families selected
- Determine who can live in the unit at admission and during participation
- Obtain and verify evidence of citizenship and eligible immigration status
- Review family's requests for approval of unit and lease
- Inspect the unit before assisted occupancy and at least biennially during the assisted tenancy
- Determine the amount of HAP for families
- Determine maximum rent to owner and if it is reasonable

SECTION 2: Summary of PHA, Owner, and Family Responsibilities

- Make timely housing assistance payments to owners in accordance with the HAP contract
- Examine family income, size and composition at admission and during program participation, including verification of income and other family information
- Establish and adjust PHA utility allowances
- Administer and enforce owner compliance with HAP Contract
- Determine whether to terminate assistance to a participant family for violation of family obligations
- Conduct hearings/reviews and process appeals
- Provide sound financial management of the housing programs, including engaging independent public accountants to conduct audits.
- Administer the FSS program (if applicable)
- Electronically submit form HUD-50058

Owner Responsibilities

The owner has the following major responsibilities:

- Tenant selection and leasing
 - The owner is responsible for screening and selection based on a family's tenancy history. The PHA must inform the owner that screening is the owner's responsibility.
 - Owner may consider a family's background regarding factors such as:
 - Payment of rent and utility bills
 - Caring for a unit/premises
 - Respecting the rights of other residents to the peaceful enjoyment of their housing
 - Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others
 - Compliance with other essential conditions of tenancy
- Compliance with the housing assistance payments (HAP) contract
- Normal landlord functions during the lease term (e.g., maintenance, rent collection)

SECTION 2: Summary of PHA, Owner, and Family Responsibilities

- Compliance with assisted lease
- Complying with equal opportunity requirements
- Collecting amounts due from family under the lease (tenant rent, security deposit, other tenant charges for damage to the unit).
- Enforcing the lease
- Paying for owner-supplied utilities and services
- For provisions on modifications to the unit as reasonable accommodation

Owner responsibilities are defined in the HAP contract, the lease, the HUD tenancy addendum, and the regulations.

The owner must maintain the unit to Housing Quality Standards. If the owner fails to do so, the PHA may terminate, suspend, or reduce housing assistance payments and terminate the HAP contract.

The owner is not responsible for a breach of the HQS for which the family is responsible.

Family Responsibilities

Are specified in:

- The Federal Regulations
- The voucher (form HUD-52646) for the Housing Choice Voucher program
- The lease and the HUD tenancy addendum, executed between family and owner

The Family Must

Supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. (Information includes any requested certification, release or other documentation)

Supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

SECTION 2: Summary of PHA, Owner, and Family Responsibilities

Disclose and verify social security numbers and must sign and submit consent forms for obtaining information.

Supply true and complete information to the PHA.

Be responsible for specific HQS breaches:

- Family failure to pay utilities for which family is responsible
- Family failure to provide or maintain appliances for which the family is responsible
- Damage to the unit (beyond normal wear and tear) by household member or guest.

Allow the PHA to inspect the unit at reasonable times and after reasonable notice.

Notify the PHA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner.

Promptly give the PHA a copy of any owner eviction notice.

Use the assisted unit for residence by the family. The unit must be the family's only residence.

Have family composition approved by the PHA.

Promptly inform the PHA of the birth, adoption or court-awarded custody of a child.

Request PHA approval to add any other family member as an occupant of the unit.

Promptly notify PHA if any family member no longer resides in the unit.

Get PHA approval before having a foster child or live-in aide reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or live-in aide, and to define when PHA consent may be given or denied.

Engage in legal profit making activities in the unit **only** if such activities are incidental to primary use of the unit for residence by member of the family.

SECTION 2: Summary of PHA, Owner, and Family Responsibilities

Supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.

Family Must Not

Commit any serious or repeated violation of the lease.

Sublease or rent the unit.

Assign the lease or transfer the unit.

Own or have any interest in the unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space).

Commit fraud, bribery or any other corrupt or criminal act in connection with the program.

Engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Assisted family, or members of the family, may not receive HCV tenant-based assistance while receiving another housing subsidy, whether for the same unit or for a different unit, under any duplicative (as determined by HUD) federal, state or local housing assistance program.

Receive HCV tenant-based program housing assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

SECTION 3 OVERVIEW OF HQS REQUIREMENTS

PHAs are required to determine whether units selected by voucher holders meet Housing Quality Standards (HQS).

Once approved for program participation, units must be reinspected at least biennially while the tenant remains in occupancy.

To meet these requirements, PHAs must:

- Establish procedures to be used in conducting unit inspections.
- Establish internal controls for conducting, monitoring, and analyzing unit inspections for quality assurance.
- Provide adequate training to inspection personnel.
- Perform outreach and establish communication with owners and tenants, encouraging both to maintain acceptable housing conditions.

Compliance with HQS Requirements

Compliance with HQS is required to:

- Provide protection to tenants.
- Ensure that minimum and maximum standards of acceptability are applied.
 - Minimum standards ensure that federal dollars are not spent on inadequate housing (i.e., housing that is not decent, safe, and sanitary).
 - Maximum standards ensure that an adequate supply of rental housing will be available to voucher holders.

Compliance with HQS requirements is monitored under the Section 8 Management Assessment Program (SEMAP). (For more on SEMAP, see Chapter 10.)

SECTION 3: Overview of HQS Requirements

Notice PIH 2002-7, issued March 12, 2002, spells out sanctions for noncompliance with HQS: HUD's field offices have the authority to reduce a PHA's administrative fees if HUD finds HQS violations for a significant percentage of units sampled as part of the management review.

- The amount of the fee reduction should be reasonable, based on the nature of the violation.
- The field office must notify the PHA of the amount that will be disallowed.

PHA ADMINISTRATIVE PROCEDURES

PHAs are required to conduct three types of inspections: initial, biennial or annual, and special.

Inspections result in pass, fail, or inconclusive reports.

- Pass inspections require no further action by a PHA.
- Fail or inconclusive inspections require follow-up reinspections or PHA verification to confirm the correction of the HQS infractions.

Although the owner of a unit is responsible for maintaining the unit in accordance with HQS, the family residing in the unit is responsible for any breach of HQS caused by the following:

- Failure to pay for any utilities for which the family is responsible.
- Failure to provide and maintain any appliances that the family is required to supply.
- Damage to the unit or premises beyond normal wear and tear by any household member or guest.

Initial Inspections

A PHA is required to inspect a unit prior to the execution of the assisted lease and HAP contract for the unit.

The unit must comply with HQS (or, where applicable, HUD-approved variations).

An inspection should be scheduled and conducted on the date the owner indicates the unit will be ready.

SECTION 3: Overview of HQS Requirements

The inspection should be conducted within 15 days of the inspection request.

- Lengthy delays can cause owners and families to lose interest.
- Delays can also cause eligible families to lose units to nonparticipating families who can move in immediately.
- If no one is home at the appointed time for the inspection, the inspection may be rescheduled
- PHA policy on rescheduling inspections should be outlined in the administrative plan

The unit must be thoroughly inspected.

The PHA may not charge a fee for any inspection.

All determinations of initial inspections must be adequately documented and contained in PHA files. Documentation should include:

- The actual number of bedrooms (excluding living/sleeping rooms) to ensure that the correct payment standard is used.
- Information related to unit age, quality, amenities, and location as well as gross and contract rent (for rent reasonableness determination).
- The present condition of the unit in sufficient detail in the event of a future claim by the owner.
- The applicable census tract number.

Discretionary Provisions under HOTMA

On January 18, 2017, HUD published a notice in the Federal Register to implement several provisions from the Housing Opportunity Through Modernization Act of 2016 (HOTMA), two of which apply to HQS.

- The first provision involves allowing PHAs to adopt a policy to approve tenancy, execute the HAP contract, and make payments for units that fail the initial HQS inspection if the deficiencies are not “life-threatening.”
- The second provision would allow PHAs to adopt a policy to permit occupancy prior to HQS inspection if the unit has passed an “alternative inspection” within the last 24 months.

SECTION 3: Overview of HQS Requirements

With respect to the first provision regarding approving tenancy, executing the HAP contract, and making payments for units that fail with deficiencies that are not “life-threatening”:

- *Non-life-threatening conditions* are defined as any conditions that would fail to meet the housing quality standards under 24 CFR 982.401 and do not meet the definition of life-threatening as defined above.
- *Life-threatening conditions* are defined as:
 - Natural or LP gas or fuel oil leaks
 - A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking or a strong odor is detected with potential for explosion or fire or that results in a health risk if inhaled
 - Any electrical problem or condition that could result in shock or fire
 - A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed
 - A light fixture is hanging by its wires
 - A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day-to-day use of the unit
 - A receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed
 - An open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses
 - A cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections
 - Any nicks, abrasions, or fraying of the insulation that exposes conducting wire
 - Exposed bare wires or electrical connections

SECTION 3: Overview of HQS Requirements

- Any condition that results in openings in electrical panels or electrical control device enclosures
- Water leaking or ponding near any electrical device
- Any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
 - Any components that affect the function of the fire escape are missing or damaged
 - Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency
 - The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency
- Absence of a functioning toilet in the unit
- Inoperable or missing smoke detectors
- Missing or inoperable carbon monoxide detector
- Missing, damaged, discharged, overcharged, or expired fire extinguisher (where required)

SECTION 3: Overview of HQS Requirements

- Gas/oil-fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney venting
 - The chimney or venting system on a fuel-fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting or gases
 - A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside
 - A fuel-fired space heater is not properly vented or lacks available combustion air
 - A non-vented space heater is present
 - Safety devices on a fuel-fired space heater are missing or damaged
 - The chimney or venting system on a fuel-fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gas
- Deteriorating paint as defined at 24 CFR 35.110 in a unit built before 1978 that is to be occupied by a family with a child under six years of age if it would prevent the family from moving into the unit
- There is a 30-day timeline for correcting “fail items” after notice to the owner under this option.
- HAP must be withheld with the unit cannot pass HQS after 30 days.
 - The maximum abatement period is determined by PHA policy but cannot exceed 180 days.
 - The contract would be terminated and a voucher would be issued.

SECTION 3: Overview of HQS Requirements

With regard to the second provision, permitting occupancy prior to HQS inspection if the unit has passed an “alternative inspection” in the last 24 months:

- Acceptable alternative inspections would be HOME, LIHTC, or inspections performed by HUD. Other alternatives would require HUD approval.
- Under this option, if the unit passed the alternative inspection within the previous 24 months, the PHA “authorizes tenancy” in response to the request for tenancy approval (RFTA) and the HAP contract would be effective prior to inspection.
- The PHA must still inspect the unit within 15 days of receiving the RFTA.
 - If the unit fails, no HAP can be paid until deficiencies are corrected.
 - Life-threatening deficiencies must be corrected within 24 hours, non-life-threatening within 30 days.

PHAs that adopt either one of these two new optional policies under HOTMA must notify owners and families, and must provide the family with a list of life-threatening deficiencies.

PHAs must also notify HUD at least 30 days before adopting these policies, and must amend their administrative plans.

The provisions became effective April 18, 2017.

SECTION 3: Overview of HQS Requirements

Biennial and Annual Inspections

PHAs are required to inspect each unit occupied by a program participant at least once every 24 months to determine whether the unit is being maintained in decent, safe, and sanitary condition.

- PHAs may conduct biennial inspections, annual inspections, or a mix of the two.
- PHAs that choose to inspect units annually or a mix of biennially and annually must revise their policies, as annual inspections are now considered discretionary.
- Inspections conducted both annually and biennially must be fairly and consistently applied. HUD discourages PHAs from adopting biennial inspections for reasons unrelated to the owner's record of HQS compliance, e.g., based on the unit's distance from PHA facilities.
- Units are required to be maintained in this condition throughout an assisted tenancy.

Biennial inspections must be completed within 24 months of the previous inspection. The annual inspection must be completed within 12 months.

The Inspection Checklist (Form HUD-52580 or HUD-52580-A) should be used to document results.

Improvements, additions of amenities or services, and changes in type of or responsibility for utilities should be noted and reported to appropriate PHA staff.

A PHA may comply with the inspection requirement by relying on an inspection conducted for another housing assistance program, such as HOME or LIHTC, or an inspection conducted by HUD, such as an inspection conducted by REAC.

- Note that the PHA has the option in a mixed-finance property that is assisted with project-based vouchers (PBVs) and is also financed under a federal, state, or local housing program to rely on alternative inspections conducted at least triennially. [24 CFR 983.103(g); Notice PIH 2016-05].
- For example, LIHTC inspections are conducted at least once every three years.

SECTION 3: Overview of HQS Requirements

If the PHA relies on alternative inspection methods:

- This must be specified in the PHA's administrative plan.
- HCV units must be included in the population of units forming the sample.
- The PHA must obtain inspection reports and other data from the entity conducting the inspection within five business days of the inspection.
- Reports must be available for HUD inspection for at least three years from the date of the latest inspection.
- The PHA may not rely on alternative inspections if a property fails.
- If a property passes, even if deficiencies are identified, the PHA may rely on the alternative inspection.

PHAs choosing to rely on alternative inspections other than those conducted under the HOME or LIHTC programs or conducted by REAC must submit protocol to HUD for approval prior to relying on the inspection standard.

- Typically, this involves local housing code inspections.
- The code must provide the same or greater standards as HQS.
- The PHA must certify annually that the code hasn't changed, or it must resubmit to HUD for approval.

Special Unit Inspections

A special inspection must be conducted upon receipt of a complaint from an assisted family or government official regarding a unit's condition.

If the reported condition is life-threatening (i.e., the PHA would require the owner to make the repair within no more than 24 hours), then the PHA must inspect the unit within 24 hours of when the PHA received the notification.

24 CFR 982.405(g)

If the reported condition is not life-threatening (i.e., the PHA would require the owner to make the repair within no more than 30 calendar days), then the PHA must inspect the unit within 15 days of when the PHA received the notification.

SECTION 3: Overview of HQS Requirements

Actions Required After Completion of Inspections

After completion of an inspection performed in connection with a Request for Tenancy Approval, the following actions must be taken:

- The family and the owner must be notified of the results.
- If the unit meets HQS, rent reasonableness should be determined and a HAP contract prepared.
- If there are questions concerning the adequacy of certain items, these items should be discussed with the tenant.
- If the unit contains HQS violations, the owner and tenant should be notified that the unit may not be leased under the program until all deficiencies have been corrected.

24 CFR 982.306(c)(4)–(5)

- NOTE: The PHA may deny approval of a lease with an owner that has a history of noncompliance with HQS or a practice of renting units that fail to meet state or local code.

After completion of a biennial or annual inspection, the following actions must be taken:

- The owner and family should be notified of any HQS deficiencies in writing.
- The notice should specify a time period within which repairs must be completed.
- If the deficiencies represent an immediate danger to the family's health and safety, they must be corrected within 24 hours.
 - The PHA should specify what constitutes a 24-hour violation.
- If other deficiencies exist, they must be corrected within 30 days.
- The PHA may grant an extension for a valid reason.

SECTION 3: Overview of HQS Requirements

*Notice PIH 2011-29 and
Notice PIH 2013-17*

- Reinspection or PHA verification that all deficiencies (failed and inconclusive items) have been corrected is required.
 - However, a reinspection is not necessary if the PHA can obtain verification through other means. For example, a PHA might accept an owner's certification that required repairs were completed and then verify that action at the next on-site inspection. The PHA could also accept photos as proof that deficiencies have been corrected.
 - Further, a PHA might tie the verification process to the severity of corrections needed and/or its experience with the owner and property.
 - PHAs should include in their administrative plans how they will verify the correction of HQS deficiencies. The PHA's policy should address the penalties for falsifying repair or deficiency documentation and how it will make owners aware of such penalties.
- If the owner fails to make required repairs in a timely manner, the PHA must abate (stop) housing assistance payments or terminate the HAP contract.
 - Once the deficiencies have been corrected, housing assistance payments may be resumed.
 - Payments may not be made for the period of abatement.
- If the family fails to make required repairs for any family-caused HQS deficiencies in a timely manner, the PHA must promptly and vigorously enforce the family obligations under the program.
 - Enforcement may include termination of assistance.
 - If tenant-caused damage is the only reason to fail the unit, the PHA continues to make housing assistance payments to the owner. It is up to the PHA what the approved termination date will be if tenant-caused damages are not remedied.

SECTION 3: Overview of HQS Requirements

Reinspection Fees

24 CFR 982.405(e)

In general, the PHA may not charge the family or owner for the initial inspection or reinspection of the unit.

24 CFR 982.405(f)

The PHA may not charge the owner for the unit inspection prior to the initial term of the lease, nor for the first inspection during the assisted occupancy.

However, the PHA optionally may establish a reasonable fee for reinspections in two situations:

- If the owner notifies the PHA that a repair was made and subsequent reinspections show that it wasn't
- The allotted time period for repair was lapsed and reinspection shows the repair was not made (regardless of whether the owner reported that repairs were complete)

Fees may not be imposed for tenant-caused damages, for cases in which the inspector could not gain access to the unit, or for new deficiencies discovered during a reinspection.

The PHA must also ensure that such a fee is not prohibited by state or local law.

In the case of PHA-owned units, for any inspection performed by a HUD-approved entity other than the PHA, the details of any reinspection fee must be spelled out in the contractual agreement between the PHA and the entity.

The owner may not pass this fee along to the family.

Fees are included in the PHA's administrative fee reserve.

Fees may be used only for activities related to the provision of HCV assistance.

SECTION 3: Overview of HQS Requirements

Special Unit Inspections

If problems are noted during a special (complaint) inspection, actions identical to those for biennial or annual inspections are to be followed.

For non life-threatening conditions, the PHA must inspect the unit within 15 days of receiving the notification of the complaint.

If serious deficiencies are revealed, the PHA should inspect other units leased to participating families in the same building, even though biennial or annual inspections are not yet required.

Termination of Payments and Contracts

If a PHA decides to abate housing assistance payments to an owner who fails to correct a breach of HQS within the specified time frame:

- The PHA must provide the owner with a 30-day written notice of abatement.
 - This requirement does not apply in the case of life-threatening HQS violations requiring correction within 24 hours.
- The abatement must begin no later than the first of the month following the specified correction period.
- The PHA must decide how long abatement will continue prior to HAP contract termination.
- The PHA must also notify the family of the action to be taken.
- Payments may not be resumed until the owner has corrected the deficiencies.

If a PHA decides to terminate its HAP contract with an owner who fails to correct a breach of HQS within the specified time frame:

- The PHA must notify the owner and family in writing.
- The PHA should not terminate the contract until the family finds another unit or until a reasonable time for finding another unit has elapsed.

SECTION 3: Overview of HQS Requirements

Notes

CHAPTER 2 General Requirements

Learning Outcomes

Upon completion of this chapter, you should be able to:

- Describe the general elements of HQS and discuss the HQS-related responsibilities of each party under the program
- Identify and utilize the tools to effectively and efficiently administer the program
- Provide a basic overview of the inspection process and identify the equipment used in conducting inspections

Overview

*24 CFR 982.401;
HCV Program Guidebook
7420.10G, Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Introduction and Overview*

Housing Quality Standards (HQS) have been developed for Housing Choice Voucher program use nationwide.

Minimum Criteria

The intent is to establish minimum criteria necessary for health and safety for occupants of housing assisted under the HCV program.

The minimum criteria contain both performance requirements (the objectives of the standards) and acceptability criteria (minimum levels of conditions or performance to meet each standard).

HQS provides guidance for determining unit acceptability.

Standards take into account regional and local characteristics.

Standards provide for variations in the acceptability criteria, as justified and approved by the HUD Field Office.

Some criteria focus on health and safety and require the PHA to determine whether a unit is acceptable.

Other criteria relate to decency and suitability, thus permitting the tenant to determine unit acceptability (“tenant preference”).

Some criteria are not able to be determined at the time of the inspection. These are considered inconclusive and must be verified later (for example, utilities not turned on).

General Requirements

Tenant Preference

Tenant preferences are areas where the tenant determines the desirability of particular characteristics of a unit.

These areas should be discussed with the prospective tenant, and the PHA may suggest to the owner that the unit be improved.

If after discussion of deficiencies in tenant preference items the tenant still wishes to lease the unit, the PHA must not deny approval of the unit for those items unless the PHA has adopted a higher standard approved by HUD.

Variations to the Acceptability Criteria

Variations to the acceptability criteria must be approved by HUD.

- A request must specify the variations and justify use.
- Variations less restrictive than the acceptability criteria must satisfy related performance requirements.
- Variations more restrictive than the acceptability criteria must not unduly restrict the amount and types of rental housing available at or under fair market rents (FMR) if the housing would otherwise meet the standards.
- With HUD approval, PHAs may substitute local codes for acceptability criteria except for requirements that may be unduly restrictive.
- Variations to acceptability criteria must be documented in the PHA's administrative plan.
- PHAs should contact their local Field Office in instances where units deviate from standards but are considered decent, safe, and sanitary.

HQS Program Elements

24 CFR 982.401;
HCV Program
Guidebook 7420.10G,
Chapter 10
HUD 605-H, Housing
Inspection Manual,
Section I

Implementation and administration of the HQS program requires:

- Use of the Inspection Checklist, HUD-52580 (use of HUD-52580-A is optional, but is **recommended** for a new program or training of new personnel). Variations of the HUD inspection checklists are allowed with HUD approval.
- Effective communication techniques for dealing with owners and tenants.
- An effective and efficient system for enforcing standards.
- An effective system for managing and monitoring inspection effectiveness.

HQS Program Responsibilities

Each party to the Housing Choice Voucher program must comply with certain requirements.

Responsibilities of the Tenant

Comply with the term and provisions of the lease agreement.

Keep the unit in a safe and sanitary condition during the term of the lease agreement.

Be responsible for tenant-caused damage.

Advise the owner when repairs are needed.

Cooperate with the PHA in accomplishing inspections.

Responsibilities of the Owner

Comply with the terms and conditions of the lease agreement and HAP contract.

Maintain the unit to comply with HQS.

Make needed repairs promptly.

Cooperate with the PHA in accomplishing inspections and making needed repairs.

Responsibilities of the PHA

Ensure all units approved for the program meet HQS.

Conduct initial inspection of units and inform both parties of the results.

Encourage tenants and owners to maintain the unit to HQS as a minimum.

Conduct complaint inspections, advise parties of the inspection results, and ensure compliance with HQS.

Conduct annual/biennial inspections of units on a timely basis, advise parties of the results, and ensure compliance with HQS.

Conduct quality control inspections based upon the SEMAP minimum file sample size (see Chapter 10).

The Lease Process

*24 CFR 982.401;
HCV Program
Guidebook 7420.10G,
Chapter 10
HUD 605-H, Housing
Inspection Manual,
Sections I and II*

The lease process in the Housing Choice Voucher program begins when a family submits a Request for Tenancy Approval (form HUD-52517) to a PHA.

The PHA must then take several steps before approving tenancy.

- Schedule an appointment for the HQS inspection. (Make sure all necessary areas of the unit are accessible to the inspector.)
- Complete Part A of the Inspection Checklist (HUD-52580)
- Complete the checklist portion of the Inspection Checklist
- Complete the Inspection Summary portion of the Inspection Checklist (optional but a good idea)
- Obtain a picture of the dwelling unit (optional, for file purposes)
- Perform and document the required rent reasonableness test
- Assure that occupancy standards will be met (complete the inspection forms and list the number of rooms that will be used for sleeping or that have the potential to be used for sleeping)
- Discuss the inspection results with the owner
 - If repairs are necessary, establish timetable for completion
 - Schedule reinspection date or repair verification.
- Resolve any inconclusive ratings

General Requirements

- Conduct a reinspection of any items initially given a fail rating, if any
- Finalize the Inspection Checklist, making entries related to reinspection results as applicable
- Authorize preparation of the lease agreement
- Schedule an appointment for the owner and tenant to sign all required documents

Note: For further information, see HQS Chapter 10 of HUD's HCV Guidebook, 7420.10G.

Program Tools

*24 CFR 982.401;
HUD 605-H, Housing
Inspection Manual,
Sections I and II*

Effective and efficient program administration is made possible through the use of the management tools made available. These tools include:

- The program regulations (24 CFR 982.401)
- The lead based paint regulation (24 CFR Part 35, Subparts A,B, M and R)
- HUD Housing Choice Voucher Program Guidebook, 7420.10G
- The Housing Inspection Manual: Section 8 Existing Housing Program
- The Inspection Checklist (HUD-52580)
- A long version of the Inspection Checklist (HUD-52580-A)

Completion of the Inspection Checklist

*HUD 605-H, Housing
Inspection Manual,
Section II*

Application of standards by inspectors must be accurate.

Evaluation and determination of pass/fail items must be consistent, unit to unit.

The focus should be on the standards rather than housekeeping practices. Evaluate housekeeping only if decent, safe, and sanitary conditions are affected.

Ratings are to be made with objectivity.

The entire Inspection Checklist must be completed. Items should not be omitted.

The form provides that if one inspection item fails, the unit fails.

General Requirements

The form provides for the use of PHA determination in “pass with comment” inspection items.

“Pass with comment” areas are recorded as tenant preferences.

The form should be used to comment on repairs needed for rent reasonableness purposes.

The completed form must reflect a pass or fail determination.

- Conditional approvals are permitted only in instances of severe weather items.
- A final determination concerning inconclusive items must be made and noted.
- Items that require correction must be reinspected or the repair verified and the results documented (see HUD’s *Housing Choice Voucher Program Guidebook* for further details).
- Writing should be clear and legible (a historical document is involved).
- Completed inspection checklists should be filed in an efficient manner.

Inspection Equipment

*HUD 605-H, Housing
Inspection Manual,
Section I, Part 3*

Some common, useful items of equipment should be provided to inspectors. These items include:

- A pocket thermometer
- A circuit tester
- A flashlight
- A measuring tape
- A clipboard
- Inspection checklists
- A camera (optional)
- A mileage reimbursement form (to be used from office to units to office)

CHAPTER 3 Electricity and Security

Learning Outcomes

Upon completion of this chapter, you should be able to:

- Recognize the HQS requirements for electricity, including the number of outlets required for each room, how outlets and fixtures must be installed, their workability, and identification of electrical hazards, and inspect and rate according to these requirements
- Recognize the minimum HQS standards for space in a dwelling, and inspect and rate according to these requirements
- Identify the minimum general security requirements in terms of accessibility and lockability, and inspect and rate according to these requirements

SECTION 1 ELECTRICITY

Outlets Required

*24 CFR 982.401;
HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual, Section
III, 1.2*

The outlets required, by type of room, are:

- A **living room** requires two outlets or, one outlet and one permanently installed ceiling or wall light fixture.
- A **kitchen** requires one working outlet AND one permanently installed wall or ceiling fixture in working condition. A working outlet cannot substitute for a light fixture.
- A **bathroom** requires a permanent light fixture, in working condition. An outlet cannot be a substitute for a permanent light fixture.
- A **bedroom** or any other room used for sleeping (Code 1) requires two outlets, or one outlet and one permanently-installed light fixture.
- All **other rooms** used for living (Code 2-6) require a means of natural or artificial illumination such as a light fixture, a wall outlet to serve a lamp, a window in the room or adequate light from an adjacent room.

Installation

Each outlet must be **permanently installed** in the baseboard, wall or floor of the room.

A single outlet may have **more than one receptacle**. Even if more than one receptacle is present in the outlet, it is to be counted only as one outlet.

Do not count **special purpose outlets**, i.e., a dedicated outlet for a window air conditioner.

A **permanently-installed light fixture** is one that is securely fastened to a ceiling or wall and is not movable (designed to be hard wired).

SECTION 1: Electricity

The following cannot be counted as an outlet or light fixture for HQS purposes:

- Table or floor lamps
- Ceiling lamps plugged into a socket
- An extension cord plugged into another plug

Workability

*HUD 605-H, Housing
Inspection Manual, Section
III, 1.2*

To be acceptable, all of the outlets or lights must be working.

- If the light does not work, check to be sure the bulb is not burned out.
- If the electric service to the unit is temporarily disconnected:
 - Check “Inconclusive” if the electric bill will be in the resident’s name. Check “Fail” if the electric bill will be in the owner’s name.
 - Contact the owner or manager to verify that the electric outlets and switches operate properly when the service is on.
 - Use a circuit tester in a vacant unit to determine workability of outlets or sockets.
 - Consider having the owner or manager sign a certification as to workability.

Electrical Hazards

*HUD 605-H, Housing
Inspection Manual, Section
III, 1.3*

An electrical hazard is:

- A broken or frayed electrical wire(s), indicating wear or age
- An exposed or bare metal or copper wire(s), not covered by rubber or plastic insulation
- A loose or improper wire connection to an outlet or improper splicing of wire(s)
- A light fixture hanging from an electric wire or cord with no other firm support
- A missing or cracked switch and/or outlet cover plate(s)
- An exposed fuse box connector or connections, missing knock-outs

SECTION 1: Electricity

- Overloaded circuits, evidenced by frequently “blown” fuses or “tripped” breakers with hazard of electrocution or fire
- Overfused circuits
- Improperly wired receptacles (open ground on a three-prong outlet)
 - A ground fault circuit interrupter (GFCI) protects the three-pronged, ungrounded outlet
 - See Notice PIH 2011-29
- Rubber or plastic coated electrical wiring mounted on the exterior surface of a wall or ceiling in a manner that could result in its being broken, cut or otherwise damaged:
 - Nonmetallic sheathed cable (NMC) wire such as “Romex,” **surface mounted** without a protective covering is a hazard of this type.
 - Any wiring of this type must be securely attached to a wall or ceiling, out of the way of traffic.
 - A metal-sheathed electrical wire can be mounted on wall and ceiling surfaces irrespective of location (i.e., electrical wire enclosed in conduit).
- A lamp cord that is being used as a permanent part of the electrical system. (This type of cord is not heavy enough to be used in the electrical system and could result in a fire.)
- A non-working outlet
- Electric cords that run under rugs or other floor coverings (a potential fire hazard)
- Improper connections, insulation or grounding of any component of the electrical system
- A wire laying in or located near standing water, too near where water might splash, or any other unsafe place
- An outlet or electrical heating appliance very close to a bathtub (poses a “shock” hazard)

Look for:

- Insulated wires indicating fraying or wear
- Improper splicing of wires
- Missing cover plates on outlets and switches.

SECTION 1: Electricity

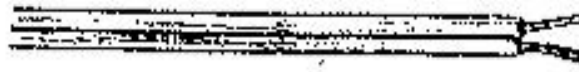
The acceptability of the location of outlets and fixtures is a tenant preference.

Wire Types

Flex Armored Cable



Lamp Cord



Housing Quality Standards

Electricity and Security

SECTION 1: Electricity

ELECTRICITY REQUIREMENTS

Room	Outlets		Permanent Light Fixture
Living Room	2		
	1	or +	1
Kitchen	1	+	1
All Bathrooms			1
Other Rooms Used for Living If Code 1	2		
	1	or +	1
If Not Code 1	Means of Natural or Artificial Illumination		

SECTION 2 SPACE AND SECURITY

Space Standards

24 CFR 982.401;
HUD 605-H, *Housing
Inspection Manual, Section
III, 1.1*

The unit must have a minimum of a:

- Living room
- Kitchen area
- Bathroom

The unit must contain at least one sleeping or living/sleeping room for every two persons (acceptability criteria). See page 10-6 of HUD's *Housing Choice Voucher Program Guidebook*.

Tenant Preferences on Space

Tenant preferences on space include:

- Acceptability of the location of the living room, kitchen area, and bathroom within the dwelling unit; and
- Appropriate size of these rooms and all sleeping and living/sleeping rooms.

General Security Requirements

The following areas must be lockable:

- Unit's windows that are **accessible from the outside** (HUD states that a lockable combination storm/screen window with a non-lockable inside window is acceptable)
- Unit's exterior doors that provide access to or egress from the unit.

Accessible from Outside

To be accessible from outside means:

- Doors that open to the outside or into a common, public hallway.

SECTION 2: Space and Security

- Windows or doors that lead onto a fire escape, porch, or other outside area that can be reached from the ground or other apartment such as:
 - Basement
 - First floor
 - Fire escape windows
- Window sills within six feet of the ground

Lock for Exterior Doors

The requirements are:

- All locks should be operable and fastened securely to the door.
- The lock “striker plate” should be operable and fastened securely to the door frame (jamb).
- The presence of only a chain lock is not acceptable and will not permit the unit to pass.
- A simple “bolt lock” is not acceptable and is inadequate if it is the ONLY lock on the ONLY door of the unit.
- The door frame must be strong enough to cause the door and lock to close securely.
- The doors and component parts must be free from damage that would seriously affect their use and ability to be locked.
Damage can include:
 - Splits
 - Cracks
 - Holes

Note: Although not stated explicitly in the regulations, a “best practice” recommendation is for PHAs to adopt a written clarification (preferably in the PHA’s administrative plan) prohibiting double-keyed deadbolt locks. Any door with such a lock cannot be counted as a fire/alternative means of egress for HQS purposes. In addition, fire codes and some state landlord-tenant laws do not allow them. For these reasons, various HUD field offices have failed this type of lock during HQS audits, and HUD OIG auditors have also failed units with double-keyed deadbolts.

SECTION 2: Space and Security

Locks for Windows

The requirements are:

- Locks must be present on openable windows within six feet of the ground.
- Locks installed on windows must work when placed in the locked position and hold securely.
- A window that is nailed shut is acceptable unless:
 - It is needed as an alternate means of exit in case of fire
 - It is required to be openable for sleeping room purposes.
- Nailing a window shut seriously decreases air circulation within the unit.
- Security bars may be accepted if they are used to lock sliding windows.
- Acceptable types of locks include:
 - Window units with sash pins or sash locks.
 - Combination windows with latches.

It is a **tenant preference** to determine the acceptability of the types of locks provided on windows and doors except for the chain lock and bolt lock restrictions discussed above.

Note: As in the case of double-keyed deadbolts, burglar bars on windows can limit fire egress and can therefore be interpreted as an unacceptable means of such for HQS purposes. However, some burglar bars are equipped with a “quick release” handle, thereby not blocking the alternative means of exit. Because HUD is silent on this issue, a “best practice” is to consult local codes and adopt a written clarification regarding this matter in the PHA’s administrative plan.

SECTION 2: Space and Security

Notes

CHAPTER 4 General Room Standards

Learning outcomes

Upon completion of this chapter, you should be able to:

- Inspect and rate windows following the basic room standards requirements, including location and openability requirements, and what constitutes “fail” or “pass with comment” ratings
- Inspect and rate ceilings according to room standards requirements, including what constitutes “fail” or “pass with comment” ratings
- Inspect and rate walls according to room standards requirements, including what constitutes “fail” or “pass with comment” ratings
- Inspect and rate floors according to room standards requirements, including what constitutes “fail” or “pass with comment” ratings
- Define “other rooms used for living,” differentiating between frequently and infrequently used rooms, and recognize the inspection requirements for these
- Differentiate between the different rooms codes and their respective requirements, and correctly apply to the inspection form
- Define “secondary rooms” and recognize their requirements
- Recognize, assess, and record other potential hazards during the inspection

SECTION 1 ROOM STANDARDS

Windows

*24 CFR 982.401;
HCV Program
Guidebook 7420.10G,
Chapter 10; HUD
605-H, Housing
Inspection Manual,
Section III, 1.4*

Basic Objectives in Rating Windows

In rating windows, the basic objectives are to assure:

- That windows are located in certain rooms
- That windows be openable where required
- That all windows in the room are reasonably weathertight

Location and Openability Requirements

The requirements for location and openability vary by room type:

- Living room: requires a window, but does not have to be openable.
 - However, a living room window must be openable if a fire escape is present outside the window and this is the second exit; the window is needed to meet ventilation requirements, or the living room will be counted as a sleeping room and the window is designed to open.
- Kitchen: no window or ventilation requirements
- Dining room: no requirements
- Bedroom (or any other room used for sleeping): Window is required; must be openable if designed to be openable.
 - A skylight can be considered a window. However, if the skylight is the only window, it must be openable.
- All bathrooms:
 - If a window is present, it must be openable if it is the only means of ventilation.
 - If no window is present, there must be an exhaust vent system. Ventilation system types may be electric fans, gravity flow, or shafts designed for this purpose that permit air to escape to the outside.
- Rooms other than those listed: no requirements.

Sleeping room windows must be openable if they were designed to be opened.

If a skylight is present, it is evaluated just like all other windows.

SECTION 1: Room Standards

Fail Ratings for Windows

Severe deterioration of a window requires a FAIL rating. Examples of this are:

- Missing or broken panes
- Dangerously loose, cracked panes
- Accessible windows that cannot be locked
- Windows without a tight seal, allowing serious drafts to enter the unit.

Pass With Comment Conditions for Windows

Moderate deterioration of a window results in a PASS WITH COMMENT. Examples of this condition are:

- Minor cracks in a window pane (no cutting hazard)
- Splintered sills
- Minor rotting in a window frame
- Missing putty, resulting in loose pane(s).

Screens on Windows

Screens are not required.

If screens are present, apply the standard, “Can someone get cut?” if they are torn.

A higher standard, to include screens, may be adopted with HUD approval.

The higher standard must not unduly restrict otherwise available and acceptable housing.

Tenant Preferences for Windows

Cracked window panes are a tenant preference unless the PHA has determined they are a potential safety problem or cause drafts.

General criteria to be used include

- Does the window form a reasonably tight seal against weather conditions?
- If a pane is cracked, can someone get cut?

SECTION 1: Room Standards

Tenants may determine if screens are adequate to meet their needs. The PHA may advise the tenant (not fail the item) whether, due to insect conditions in the area, screens for windows and doors would be desirable.

Inspection Tips for Windows

Be clear on the checklist which window you are talking about.

Become familiar with types of windows, terminology, and how to make basic, minor repairs such as installing weatherstripping, replacing missing window putty, and replacing sash cords so that you can advise the owner.

Ceilings

Basic Objectives in Rating Ceilings

To assure that the tenant is not exposed to any structural hazards or to any danger of a large amount of falling plaster or other heavy surface materials

To assure that the room is reasonably weathertight

Fail Ratings for Ceilings

Examples of unsound or hazardous ceiling conditions that would require a FAIL rating are:

- Severe bulging or cracking
- Presence of large holes
- Falling surface materials (other than wallpaper or paint)
- Loose sections of plaster that are in danger of falling
- Many missing parts such as ceiling tile
- Ceiling surfaces that are wet with mold-like substances

SECTION 1: Room Standards

Pass with Comment Conditions for Ceilings

Examples of a basically sound ceiling with the presence of some nonhazardous defects resulting in a PASS WITH COMMENT rating are:

- Small holes or cracks
- Minor crumbling of plaster
- Some missing or broken ceiling tiles
- Water stains, with no evidence of decayed plaster
- Dirty, stained surfaces
- Unpainted surfaces (peeling paint discussed later).

Tenant Preferences for Ceilings

Tenants may determine whether minor defects, such as lack of wallpaper, stained wallpaper, lack of paint, or cosmetic condition will affect the livability of the unit.

Walls

*HCV Program Guidebook
7420.10G, Chapter 10
HUD 605-H, Housing
Inspection Manual, Section
III, 1.7*

Basic Objectives for Rating Walls

The basic objectives for rating walls are to assure:

- That the tenant is not exposed to any structural hazards
- To assure that the room is reasonably weathertight

Fail Ratings for Walls

Examples of unsound or hazardous defects that would require a FAIL rating are:

- Severe buckling, bulging or leaning
- Loose or damaged structural members
- Large holes (rule of thumb: will the inspection checklist, 8 1/2 x 11", cover the hole?)
- Any holes, regardless of size, which allow significant drafts to enter the unit (holes through the exterior walls).

SECTION 1: Room Standards

Pass with Comment Conditions for Walls

A basically sound wall with some nonhazardous defects would result in a PASS rating. Examples are:

- Small or shallow holes
- Loose or missing parts
- Unpainted surfaces (peeling paint is to be rated under Lead Based Paint).

Tenant Preferences for Walls

Tenants may determine whether minor defects, such as lack of wallpaper or paint will affect the livability of the unit.

How to Inspect Walls

Examine and evaluate all walls.

Include and record the worst condition in the rating.

If one wall fails, all walls fail.

Inspection Tips for Walls

If the condition involves surface materials, indicate to the landlord how it may be repaired:

- Broken or cracked plaster may be repaired by patching the plaster.
- Loose plaster can be secured with nails or plaster buttons.
- Damaged sheet rock can be repaired, renailed, or replaced in sections.
- Loose or broken paneling can be glued or renailed to the wall.

SECTION 1: Room Standards

Floors

*HUD 605-H, Housing
Inspection Manual, Section
III, 1.8*

Basic Objectives in Rating Floors

The basic objectives in rating floors are to assure:

- That the tenant is not exposed to any threat of structural collapse or tripping
- That the room is reasonably weathertight.

Fail Ratings for Floors

Examples of unsound or hazardous defects that result in a FAIL rating are:

- Severe buckling or major movement under walking stress
- Large sections of damaged or missing parts (floor boards)
- Large cracks or holes that penetrate both the finish floor and subflooring (would allow weather and vermin to enter)
- Holes that are approximately 4 inches in diameter or larger (such as missing hot air register cover)
- Permanent floor covering or floor boards that present serious tripping hazards.

Pass with Comment Conditions for Floors

Floors that are basically sound but where nonhazardous defects exist receive a PASS WITH COMMENT rating. Examples of nonhazardous defects are:

- Significant scuffing, marring or scratches in the floor finish or other floor covering
- Minor damage to linoleum or parquet floor
- Damage to floor covering that could become a tripping hazard
- Soiled floor coverings
- Tripping hazards that are not part of the permanent floor covering (i.e., rug supplied by tenant)

Tenant Preferences for Floors

Tenants may determine whether minor defects such as worn flooring will affect the livability of the unit.

SECTION 1: Room Standards

Inspection Tips for Floors

Possible remedies to nonhazardous surface defects include:

- Replacing missing pieces of parquet
- Sanding and refinishing scuffed and worn surfaces
- Installing new sheet goods
- Installing new carpet.

Other Rooms Used for Living

Definition

*24 CFR 982.401;
HCV Program Guidebook
7420.10G, Chapter 10;
HUD 605-H, Housing
Inspection Manual, Section
III, Part 4*

“Used for living” rooms or areas are those walked through or lived in on a regular basis.

Inspection Requirements

All rooms in the unit must be inspected.

Complete as many “Other Room” supplements as are present in the unit and not already on Sections 1, 2 or 3 of the form.

Complete an “Other Room” supplement for all entrance halls, corridors, and stairways in the unit that are part of the area used for living.

If a hall, entry, or stairway are contiguous, rate them as a whole or all part of one space.

Frequently Used Rooms

Include in this section the following areas if they are frequently used:

- Finished basement
- Playroom
- Closed-in porch that is used as a bedroom in the summer.

SECTION 1: Room Standards

Infrequently Used Rooms

Rooms permanently closed off or infrequently entered are not included in this category, including:

- Utility room (the occasional use of a washer or dryer in an otherwise unused room does not constitute “regular” use)
- Attached shed
- Attached closed-in porch, basement or garage if it is closed off from the main living area or is infrequently entered.

Vacant Units

If the unit is vacant and you do not know the eventual use of it, complete Section 4 of a form if there is any chance that the room will be used on a regular basis.

If there is no chance that the room will be used on a regular basis (such as an unfinished basement), do not include it in Section 4.

Room Codes

*HUD 605-H, Housing
Inspection Manual, Section
III, 4.1*

1 - Bedroom or any other room used for sleeping (regardless of the type of room)

2 - Dining room

3 - Second living room, family room, den, playroom, TV room

4 - Entrance halls, corridors, halls, staircases

5 - Additional bathroom

6 - Other

Rooms cannot be classified as Code 1 unless the requirements for a “room used for sleeping” are met.

SECTION 1: Room Standards

Location of Rooms

*HUD 605-H, Housing
Inspection Manual, Section
III, 4.1*

Record the location of a room as if you are looking at the front entrance to the unit from outside the unit.

- Right/Left—record whether the room is located to the right, left or center of the unit.
- Front/Rear—record whether the room is located to the back, front or center of the unit.
- Floor level—identify the floor the unit is located on.

This method helps in communicating which room contains deficiencies.

Electrical Requirements

*HCV Program Guidebook
7420.10G, Chapter 10;
HUD 605-H, Housing
Inspection Manual, Section
III, 4.2*

Room Code 1 - Must have two working outlets or one working outlet and one working permanently installed light fixture.

Any other room code—a means of natural or artificial illumination must be present. Examples are:

- A light fixture
- A wall outlet to serve a lamp
- A window in the room
- Adequate light from another, adjacent room.

Window Requirements

*HCV Program Guidebook
7420.10G, Chapter 10;
HUD 605-H, Housing
Inspection Manual, Section
III, 4.5*

Room Code 1

- Must be a window present
- Window must be openable if designed to be opened

Other room codes

- No window is required (except for bathroom which has additional requirements).
- If a window is present, it must be free of signs of severe deterioration and missing or broken out panes.

SECTION 1: Room Standards

Additional Bathroom

*HUD 605-H, Housing
Inspection Manual, Section
III, 4.5*

Must have openable window or other adequate exhaust ventilation and a permanent light fixture.

The washbasin or sink must have a gas trap.

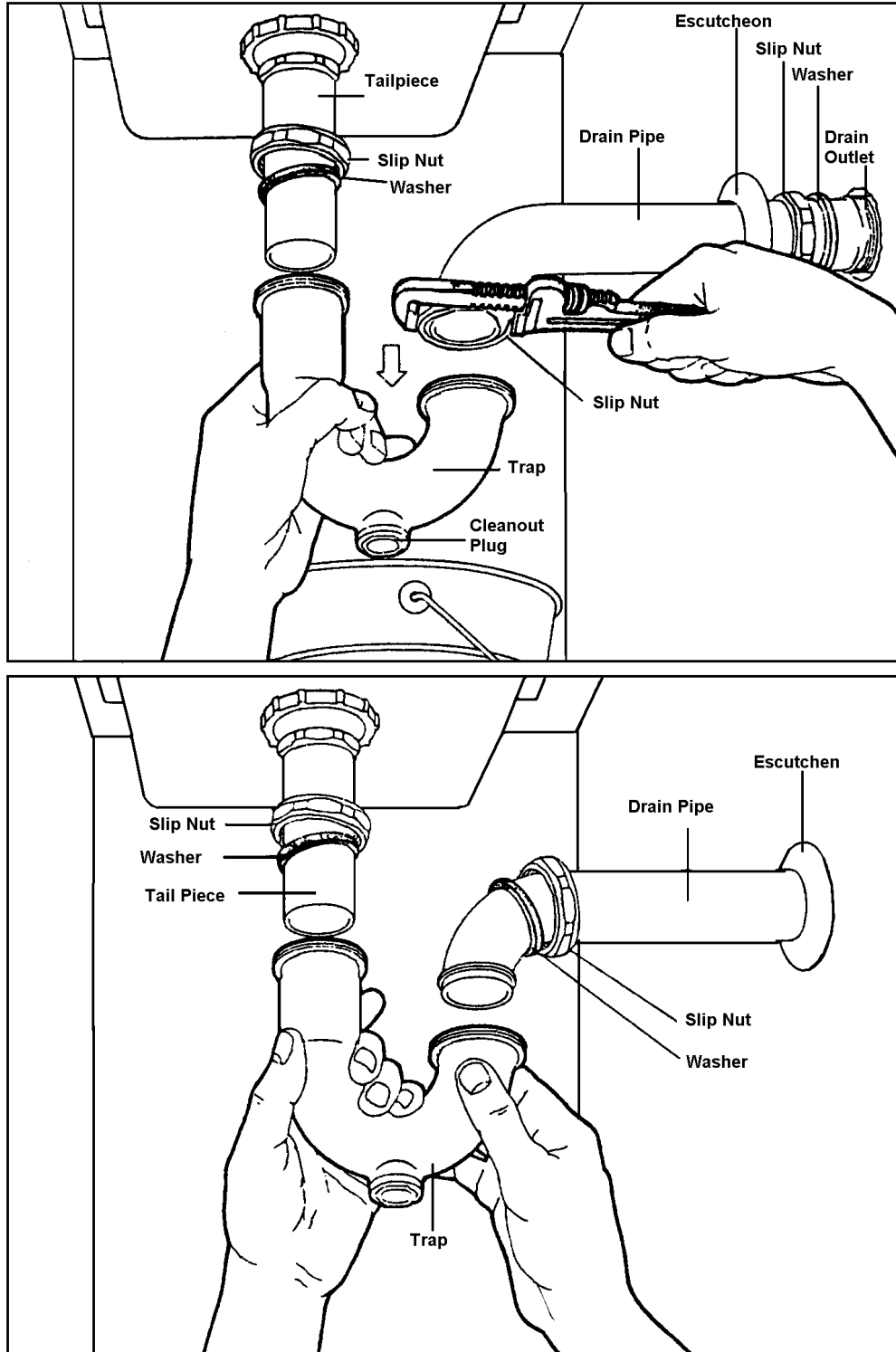
Room must be free of serious health and sanitary problems, such as:

- A clogged toilet
- A serious water leak
- Sewer gas.

Rate the balance of this room in accordance with requirements of Part 4 of the Inspection Checklist.

SECTION 1: Room Standards

Washbasin Drain



SECTION 1: Room Standards

Secondary Rooms

Definition

*HUD 605-H, Housing
Inspection Manual, Section
III, Part 5*

The definition of a secondary room is any room that does not meet the criteria of “other rooms used for living” (i.e., they are not used for living).

- All secondary rooms are rated together on a single Part 5 of the Inspection Checklist.
- If no secondary rooms exist, check “None” and go to Part 6 of the Inspection Checklist.

Electrical Hazards and Electricity

Each secondary room must be inspected and rated.

The inspection criteria for these items are the same as those for other interior rooms.

Other Potential Hazards

*HUD 605-H, Housing
Inspection Manual, Section
III, 5.4*

Examples of other types of hazards are:

- Unstable stairs with a tripping hazard
- Large holes in floors, walls or ceilings
- Evidence of imminent structural collapse
- Windows or doors that are in seriously deteriorated condition
- Protruding nails or other objects in walls, floors and ceilings.

SECTION 1: Room Standards

When recording other potential hazards, assess the following conditions:

- The means of access to the room such as:
 - Lockable or unlockable door
 - Screen or curtain or no control.
- Frequency of use of the area such as:
 - Basement stair with no railing but almost never used
 - Risk is probably not enough to warrant FAIL rating.
- Control of access to the room or area
 - Room that can be closed off and locked
 - Probably would substantially reduce risk to resident

Good documentation as to your decision is a must!

CHAPTER 5 Kitchen

Learning Outcomes

Upon completion of this chapter, you should be able to:

- Define, inspect, and rate kitchens following the basic requirements, including what constitutes “fail” or “pass with comment” ratings for each aspect of the kitchen
- Look for and recognize kitchen-specific hazards
- Recognize and take into account tenant preferences for kitchens

SECTION 1 RATING KITCHENS

Basic Objectives in Rating Kitchens

*24 CFR 982.401;
HCV Program Guidebook
7420.10G, Chapter 10;
HUD 605-H, Housing
Inspection Manual, Section
III, Part 2*

The basic objective in rating kitchens is to verify that the dwelling unit contains a kitchen or kitchen area for the preparation and storage of food, along with the necessary appliances.

Definition

*HUD 605-H, Housing
Inspection Manual, Section
III, Part 2*

A kitchen is defined as being a separate room or area of a larger room which is used primarily for preparation of meals.

A kitchen is defined as being a separate room or area of a larger room that is used primarily for the preparation of meals.

Defined by function, a kitchen is used primarily for the preparation and storage of food.

- A bedroom with a refrigerator in it cannot be defined as a kitchen.

Defined by facilities contained, a kitchen or kitchen area must have:

- A separate kitchen sink for preparing food and washing dishes, with piped hot and cold water that drains into an approvable system
- A stove for cooking food
- A refrigerator for storing food
- Facilities and services for the sanitary disposal of food waste and refuse

Required Items

Electricity

*HUD 605-H, Housing
Inspection Manual, Section
III, 2.1*

The kitchen must have one working outlet and one working, permanently installed light fixture.

Two outlets without a permanent light fixture is not adequate.

SECTION 1: Rating Kitchens

Window Condition

A window is not required, nor is a kitchen vent.

If a window is present, it must be free of signs of severe deterioration or broken panes.

General Appliance Hazards

Appliances must be free of hazardous conditions including a damaged or broken stove, sink or refrigerator that endangers the users.

There must be no evidence of gas or water leakage that presents the danger of fire or electrical shock.

The stove and refrigerator must be free of potential hazards due to improper hook-up.

Oven and Stove or Range

Both the oven and stove (or range) with top burners must be present and working. Check both *Broil* and *Bake* functions.

They may be provided by the landlord or the tenant.

Tenant-owned microwave ovens may be substituted for a tenant-supplied oven and stove or range.

Owner-supplied microwave ovens may be substituted for an owner-supplied oven and stove or range if:

- The tenant agrees, in writing
- Microwave ovens are furnished instead of an oven and stove or range to **both** subsidized and unsubsidized tenants in the building or premises

If these are owner-supplied and are not present, a FAIL rating is required.

If these are tenant-supplied and are not present, an INCONCLUSIVE rating should be given (check with tenant to verify they will be supplied in working condition)

Hot plates are not acceptable.

Chipped or cracked burner rings pass with comment if they adequately support pots and pans.

SECTION 1: Rating Kitchens

If the gas and/or electric service is shut off but appliances are present, an INCONCLUSIVE rating is required (contact the owner or manager to verify the appliances work when utilities are on).

All stove or range burners must work.

All operating knobs must be present.

A hazardous gas hook-up, evidenced by a strong gas smell, requires a FAIL rating.

A missing oven door handle would fail.

Refrigerator

To be acceptable, the refrigerator must meet certain criteria:

- It may be located in a back hall or pantry.
- It must maintain a temperature low enough to prevent food from spoiling over a reasonable period of time.
- It must have some capacity for storing frozen food.
- If a refrigerator is not present, apply the same criteria as for the stove or range.
- If the electric service is shut off, apply the same criteria as for the stove or range, that is, an INCONCLUSIVE rating should be given (check with tenant to verify it will be supplied in working condition).
- If the refrigerator is obviously inadequate in size for the needs of the family, a FAIL rating is required. (A table-top compact refrigerator would be clearly inappropriate for a family of four.)

Defects that would result in a PASS WITH COMMENT rating are:

- Broken or missing interior shelving
- Badly dented or scratched interior or exterior surfaces
- Minor deterioration of the door seal
- Loose door handle.

SECTION 1: Rating Kitchens

Sink

To be acceptable, the sink must meet certain criteria:

- It must have running hot and cold water. (If there is no hot water because the unit is vacant, check INCONCLUSIVE. Verify with owner or manager that hot water is available when services are turned on.)
- It must have a drain, properly connected to an approvable system, with a gas trap.
 - A gas trap is used in drain lines to prevent sewer gases from entering the unit.
 - Gas traps are often referred to as P-traps. A P-trap is a type of gas trap.
- It must be free of major leaks that will result in substantial water loss and damage to the unit.

A bathroom sink will not satisfy this requirement.

Defects that would result in a PASS WITH COMMENT rating include:

- Dripping faucet(s)
- Marked, dented or scratched surfaces
- Slow draining
- Missing or broken drain stopper

It is wise to check for leaks under the sink while the water is running.

Space for Storage and Preparation of Food

The unit must provide space for the storage, preparation, and serving of food.

Space for this purpose is defined as:

- Pantries or closets that contain shelves
- Food preparation area

If no built-in space is provided, a table and portable storage cabinet is acceptable.

If there is no built-in storage space and no room for a table and storage cabinet, a FAIL rating is required.

SECTION 1: Rating Kitchens

Defects that would result in a PASS WITH COMMENT rating include:

- Marked, dented, or scratched surfaces
- Broken shelving or cabinet doors
- Broken drawers or cabinet hardware
- Limited size as related to needs of family.

Tenant Preferences

The family selects a unit with the size and type of equipment it finds acceptable and may choose to accept a microwave oven in place of a conventional oven, stove, or range if the oven, stove, or range are tenant supplied or if microwaves are furnished in both subsidized and unsubsidized units in the building or premises.

The amount and type of storage space, the cosmetic conditions of all equipment, and the size and location of the kitchen are all determined by the family.

Space for storage, preparation, and serving of food must be present. Built-in space, equipment, tables, or portable storage facilities are acceptable. The tenant has the freedom to select the unit despite these concerns (other than any requirements described above).

CHAPTER 6 Bathroom

Learning Outcomes

Upon completion of this chapter, you should be able to:

- Inspect and rate bathrooms following the basic requirements, including what constitutes “fail,” “inconclusive,” or “pass with comment” ratings for each aspect of the bathroom
- Look for and recognize bathroom-specific hazards
- Recognize and take into account tenant preferences for bathrooms

SECTION 1 RATING BATHROOMS

Basic Objectives in Rating Bathrooms

*4 CFR 982.401;
HCV Program Guidebook
7420.10G, Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, Part 3*

The basic objectives in rating bathrooms are:

- To assure that there is least one bathroom present in the dwelling unit for the exclusive use of the occupant
- That there is a working toilet, washbasin, and tub or shower

Requirements

*HUD 605-H, Housing
Inspection Manual,
Section III, Part 3*

Each unit must have a bathroom.

The bathroom must be in a separate room, with a flush toilet in operating condition.

The unit must have a fixed basin with a sink trap and hot and cold water in operating condition.

The unit must have a shower or a tub with hot and cold water in operating condition.

These facilities must be connected to an approvable disposal system.

These facilities may be scattered within the unit (such as toilet in one enclosure and washbasin in another area.)

Only one bathroom is required.

Additional bathroom facilities present would be rated on Part 4 of the Inspection Checklist. (The use of an additional Part 3, Bathroom page, is helpful.)

SECTION 1: Rating Bathrooms

If present, additional bathroom facilities must meet the following requirements:

- Facilities must have openable window or other adequate exhaust ventilation and a permanent light fixture.
- The washbasin or sink must have a gas trap.
- The room must be free of serious health and sanitary problems, such as:
 - A clogged toilet
 - A serious water leak
 - Sewer gas.

Electrical Requirements

*HUD 605-H, Housing
Inspection Manual,
Section III, 3.2*

Each bathroom must have one permanent light fixture in working condition.

No separate outlet is required.

An outlet cannot be substituted for a permanent light fixture.

Outlets or electrical appliances located too near the tub are considered a hazard.

- An outlet or appliance too near where water may splash is considered a hazard.
- An outlet located on a medicine cabinet is not a hazard.

Hazardous Conditions

*HUD 605-H, Housing
Inspection Manual,
Section III, 3.3*

The bathroom must be free of hazardous conditions.

- An example of a hazardous condition is a damaged or broken fixture that endangers the user or that may result in severe leakage or flooding around pipes, the base of the toilet, wash basin, and bathtub or shower area.

Sometimes these hazardous items, such as a broken fixture where someone could get cut, are rated under General Health and Safety, instead of under Bathroom on the inspection form.

The condition of windows, ceilings, walls, and floors must be inspected to ensure that no unsanitary condition exists.

SECTION 1: Rating Bathrooms

Floor Condition

*HUD 605-H, Housing
Inspection Manual,
Section III, 3.8*

The floor of the bathroom must be in sound condition.

Fail Ratings for Floors

Hazardous defects that would result in a FAIL rating include severe floor damage caused by water from the tub or shower.

Pass with Comment Items for Floors

PASS WITH COMMENT items include:

- Broken or loose tile
- Deteriorated grouting at the tub and wall joint or at the tub and floor joint or at other tile surfaces
- Water stains

Toilet

*HUD 605-H, Housing
Inspection Manual,
Section III, 3.10*

Location requirements for the toilet include:

- It must be contained within a separate room in the unit.
- It must be available for the exclusive use of the occupants of the unit. Facilities that are used by occupants of other dwelling units are not acceptable.
- It must provide for privacy; i.e., there must be a door, curtain, etc.

Fail Rating Conditions for Toilets

FAIL ratings for toilets include:

- Not being connected to a water supply
- Not being connected to an acceptable drainage system
- Faulty connections resulting in a severe leakage of water or gases (check for water on the floor and odor of gas)
- Not flushing
- Clogged
- Mechanism within the water closet does not work

SECTION 1: Rating Bathrooms

Conditions Requiring Inconclusive Rating

Conditions requiring an INCONCLUSIVE rating include:

- Water service being off
- Check with owner or manager that the facility works when water service is on and obtain verification

Pass with Comment Conditions

PASS WITH COMMENT conditions include:

- The water runs constantly
- Chipped or broken porcelain
 - Cutting hazard would fail
- A cracked toilet seat
- A slow draining toilet (as long as it flushes)

Washbasin

*HUD 605-H, Housing
Inspection Manual,
Section III, 3.11*

To be acceptable, the washbasin must meet certain requirements. With respect to location:

- It must be permanent (a portable washbasin is not acceptable)
- A kitchen sink is not acceptable for this purpose
- It may be located separate from other bathroom facilities, but must be within the unit

Fail Ratings for Washbasins

Hazardous defects that would result in a FAIL rating include:

- Not connected to a system that delivers hot and cold running water
- Lack of a gas trap
- Not connected to an acceptable drainage system
- Clogged
- Evidence of severe leakage of water or the presence of sewer gas

SECTION 1: Rating Bathrooms

Inconclusive Ratings for Washbasins

Conditions that would result in an INCONCLUSIVE rating include:

- The water service is turned off (check with the owner or manager that the toilet functions properly when water service is on).
- If the water heater is off or if the electric or gas service has been turned off, check with owner or manager to verify that the water heater functions properly when it is on or when service is on.

Pass with Comment Conditions

PASS WITH COMMENT conditions include:

- Low water pressure
- Dripping faucet(s)
- Minor leaks
- Cracked or chipped porcelain
- A slow drain
- Partially rusted or corroded faucet handles
- Basin insecurely fastened to wall or floor

Tub or Shower

*HUD 605-H, Housing
Inspection Manual,
Section III, 3.12*

To be acceptable, the tub or shower must be located within the unit, but may be separated from the rest of the facilities.

Fail Ratings for Tub or Shower

Conditions that would require a FAIL rating are identical to those for the washbasin.

SECTION 1: Rating Bathrooms

Pass with Comment Conditions

PASS WITH COMMENT conditions include:

- Low water pressure
- Dripping faucets
- Minor leaks
- Slow drain
- Cracked or chipped porcelain
- Absent or broken shower curtain rod
- Deteriorated grouting around tub

Ventilation

*HUD 605-H, Housing
Inspection Manual,
Section III, 3.13*

To be acceptable, a bathroom must meet certain ventilation requirements. These requirements include:

- Venting to the outside, attic or crawlspace; or
- An openable window or working exhaust system

Types of acceptable systems are:

- Electric fan vent, that may be either wall or ceiling mounted (the fan must operate when there is electric current and the switch is on)
- A gravity flow/chimney effect vent pipe or shaft that permits air to escape to the outside without the use of an electric fan

Fail Ratings for Ventilation

The absence of any ventilation system would require a FAIL rating.

Inconclusive Ratings for Ventilation

Conditions which would result in an INCONCLUSIVE rating include:

- No openable window
- Electric service shut off (if these conditions exist check with the owner or manager as to the system type and verify that the type of ventilation works)

SECTION 1: Rating Bathrooms

Tenant Preferences

The tenant may decide if filters, fans or other ventilation devices are adequate for their needs.

The tenant may determine acceptability of the cosmetic condition and quality of the sanitary facilities, including the size of the basin and shower or tub, condition of faucets, minor leaks, scratches, worn enamel, and the location of the sanitary facilities within the dwelling unit.

CHAPTER 7 Building Exterior

Learning Outcomes

Upon completion of this chapter, you should be able to:

- Inspect and rate the building exterior following the basic requirements, including what constitutes “fail” ratings for each aspect of the building exterior

SECTION 1 RATING EXTERIORS

Basic Objectives in Rating Exterior

*24 CFR 982.401;
HCV Program Guidebook
7420.10G, Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, Part 6*

The basic objectives in rating exteriors are to assure that:

- The foundation has the capacity to properly support the building and keep ground water out of the basement under normal rainfall conditions
- The condition of all exterior stairs, railings, and porches are sound and free from hazards
- The tenant is not exposed to any risk of structural collapse, the roof protects the tenant’s unit from the outside elements, and the exterior walls are weathertight
- The tenant is not exposed to the potential collapse of the chimney, the chimney is capable of safely carrying smoke, fumes, and gasses from the unit to the outside
- The dwelling is free from hazards of lead-based paint

SECTION 1: Rating Exteriors

Foundation

Fail Ratings for Foundations

*HUD 605-H, Housing
Inspection Manual,
Section III, 6.1*

Conditions that would require a FAIL rating include:

- Severe structural defects indicating the potential for collapse
- Structural instability indicated by evidence of major recent settling
- Large cracks or holes
- Large sections of crumbling brick, stone or concrete
- Undermining of footings, walls, posts, or slabs
- Major deterioration of wood support members resulting from water damage or termites
- Entry of significant ground water into unit (flooding of basement)

Stairs, Porches and Rails

*HUD 605-H, Housing
Inspection Manual,
Section III, 6.2*

The condition and equipment of exterior stairways, porches, walkways, etc., must not present a danger of tripping and falling.

Fail Ratings for Stairs, Porches and Rails

Conditions that would result in a FAIL rating include:

- Broken, rotten or missing steps or boards
- Absence of a handrail where there are four or more consecutive steps
- Absent or insecure railings around a porch or balcony which is 30 inches or more above the ground.

Inspection Tips

Steps that lead to the unit but are not physically attached to the building are to be included.

If the unit is part of a multi-unit structure, inspect and rate only the exterior stairs, porches and rails associated with this tenant family's unit, or which are frequently used by the tenant family.

SECTION 1: Rating Exteriors

Roofs and Gutters

*HUD 605-H, Housing
Inspection Manual,
Section III, 6.3*

The roof must be structurally sound and weathertight.

The roof would receive a PASS rating if, during the inspection:

- No visible signs of internal water damage were visible
- The roof is not visible (record as “unobservable”)

If the defect or condition does not affect the tenant family’s unit, it is a PASS WITH COMMENT

Gutters are not required and their absence cannot lead to a FAIL rating.

Note: Inspectors are not required to climb on roofs to conduct inspections.

Fail Ratings for Roofs and Gutters

Conditions that would require a FAIL rating include:

- Serious buckling or sagging, indicating the potential for structural collapse
- Large holes or other defects that would allow significant amounts of water or air to enter the unit
- Water damage to interior ceiling (indicating leaks)
- If a significant amount of water is allowed to enter the unit, resulting in the rotting of an interior wall

Exterior Walls

*HUD 605-H, Housing
Inspection Manual,
Section III, 6.4*

The exterior wall structure and surface must not have any serious defects.

Conditions or defects that would result in a FAIL rating include:

- Severe buckling, bowing or leaning
- Large cracks
- Falling or missing pieces of masonry
- Significant deterioration of portions of the exterior walls that would allow water and serious amounts of air to enter the unit
- Large holes or defects that would result in vermin infestation

SECTION 1: Rating Exteriors

The area would receive a PASS rating if the conditions did not affect the tenant family's unit.

Chimney

*HUD 605-H, Housing
Inspection Manual,
Section III, 6.5*

Conditions which would require a FAIL rating include:

- Serious leaning
- Evidence of deterioration or disintegration such as many missing bricks or mortar
- Metal chimney parts that do not fit tightly and/or are improperly attached

Manufactured Homes

*HUD 605-H, Housing
Inspection Manual,
Section III, 6.7*

Manufactured homes must be securely anchored by a tiedown device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Variances for areas of low wind zones may be approved by local HUD Field Offices.

Alternative types of anchors, beams and foundation bolts are permissible if they meet the manufacturer's specifications.

One smoke detector is required.

- The detector must be present and in operating condition.
- The detector should be tested during the inspection.

CHAPTER 8 Heating and Plumbing

Learning Outcomes

Upon completion of this chapter, you should be able to:

- Inspect and rate the heating and cooling system following the basic requirements, including what constitutes “fail” and “pass with comment” ratings for each aspect of the system
- Look for and recognize safety issues with the heating equipment
- Recognize and take into account tenant preferences for the heating and cooling system
- Recognize and apply HUD requirements regarding space heaters
- Inspect and rate water heaters following the basic requirements, including what constitutes “fail” ratings for the heaters and taking tenant preferences into account
- Inspect and rate the water and sewer following the basic requirements
- Inspect and rate plumbing following the basic requirements, including what constitutes “fail” and “pass with comment” ratings for the plumbing

SECTION 1 HEATING AND COOLING SYSTEM

Basic Objectives of Rating Heating and Cooling System

*24 CFR 982.401;
HUD Voucher Program
Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III Part 7*

The basic objectives of rating the heating and cooling system are:

- To assure that the occupant will have adequate heat in the unit during the heating season
- To determine whether the unit is free from unvented fuel burning space heaters or other types of unsafe heating conditions
- To determine whether the unit has adequate ventilation and cooling by means of openable windows or a working cooling system

Adequacy of Heating Equipment

The PHA must define what constitutes a healthy living environment (temperature) in its area of operations.

Local codes should be considered in establishing standards.

To be adequate, the system must be capable of maintaining a certain temperature during a designated time period.

Heat is not required in secondary rooms, (rooms not used for living).

The system must be capable of providing adequate heat directly or indirectly to all rooms used for living.

- Directly means each room used for living has a heat source. Source may be:
 - A working radiator
 - A working hot air register
 - Baseboard heat.
- Indirectly means heat can enter easily from an adjacent room (i.e., through a doorway).

SECTION 1: Heating And Cooling System

The PHA must determine if the heat level is adequate.

- If the unit is occupied, ask the tenant (may wish to obtain documentation).
- If the unit is vacant, ask the owner.
- Compare the size of the system to the area to be heated.
 - In climates requiring heat, an adequate type of heat source must be available.
 - A kitchen stove with a built-in heater is not adequate.
 - Portable electric room heaters are not adequate.

Absence of a direct or indirect heat source in a room used for living requires a FAIL rating for this area.

For inspections conducted during summer months when the heating system is inoperable, an inconclusive rating is required.

Safety of Heating Equipment

*HUD 605-H, Housing
Inspection Manual,
Section III, 7.2*

Major concerns in the area of safety are:

- The potential for fire
- The potential for explosion
- The escape of gas fumes or unvented gases into the living area
- Damage to the system, ducts, or fixtures so that heating is non-existent, inadequately distributed to the unit, or there is a potential for fire or other threats to safety

Fail Ratings for Safety

Conditions that would require a FAIL rating include:

- Escaping gases from disconnected or broken vent pipes
- Unvented fuel burning space heaters (electric heaters are acceptable)
- Improper fuel storage and supply lines
- Fuel storage tanks that are not raised off the floor
- A shut-off valve that is not located at the base of the tank
- Fuel lines running across floors that are not protected
- Fuel leaks (check for excessive fuel oil stains)
- A fuel tank not vented and not filled from outside the unit

SECTION 1: Heating And Cooling System

- The lack of a manual shut-off device for a gas burning furnace
- Presence of combustible material around furnace
- The existence of an improper flue or chimney
- Lack of a proper vent
- A flue pipe and collar that do not fit tightly against the wall
- Inadequate clearance of combustible materials around the flue
- The flue not being properly directed from furnace to a chimney (air ducts lead from furnace to floor registers and do not get hot like flues)
- Improper installation of the equipment
- Improper maintenance of the equipment
- Heavy build-up of soot and creosote around the chimney (this same type of build-up would be present around the flue)
- Inadequate source of clear return air in the forced warm air system
- Return air not drawn from an area separate from the furnace area
- Major leaks in radiators or duct work that may promote heat loss and affect the heating device's capability to satisfactorily heat all habitable rooms in the unit. A gap in duct work of one inch or more would constitute a FAIL rating.
- No combustion air provisions for a gas water heater or gas furnace located in an enclosed space

Pass with Comment Conditions

PASS WITH COMMENT conditions include:

- Very dirty floor registers, restricting air flow
- Covers missing on hot water baseboard heating vents
- A hissing radiator valve with steam escaping

SECTION 1: Heating And Cooling System

Ventilation & Adequacy of Cooling System

To test the adequacy of both the ventilation and cooling systems, ask the tenant about the adequacy of air circulation during summer months.

Select a sample of four windows in random locations within the unit.

- These windows should be designed to be opened.
- If two or more open, this test is met.

Determination of adequacy of air flow depends on placement of windows and size of the unit.

Types of “working ventilation systems” include:

- Central (fan) ventilation
- Room or central air conditioner

A cooling system, if present, must be safe and in proper operating condition.

The cooling system, if present, must be able to provide adequate cooling, either directly or indirectly, to each room.

To test for adequacy of the cooling system (if present):

- Ask the tenant about the system’s operation.
- Let the air conditioning run for a short period.
- Obtain verification of operability from the owner or manager.

SECTION 1: Heating And Cooling System

Tenant Preferences

The tenant may, with the owner's permission, close off any heating ducts to specific areas he or she does not choose to heat.

Tenant may determine the acceptability of the amount of weather stripping and insulation to prevent inadequate heat distribution and excessive air infiltration.

Tenant may also determine if storm doors and windows are important.

If the PHA believes that weather stripping and insulation for the unit are inadequate, this concern should be discussed with the tenant or owner.

This is particularly important if the tenant is to pay utilities, because inadequate weather stripping and insulation may lead to utility bills over the applicable utility allowance.

SECTION 2 SPACE HEATERS

HUD Waiver

*HUD 605-H, Housing
Inspection Manual,
Section III, 7.2, Appendix E*

HUD may grant a waiver to allow low capacity, unvented space heaters in areas of the country with a mild climate.

PHAs must request the waiver, stating that the prohibition of all unvented fuel burning space heaters would unduly restrict the availability of acceptable units in their area.

The HUD Field Office will assess the request for variances based on the following factors:

- Climate
- Common usage
- Effect of the requirement on the availability of housing for Section 8 participants

If HUD grants the waiver, the PHA must:

- Apply the criteria in the HUD Inspection Manual
- Assess each unit individually

Listing

Some space heaters are listed for unvented use. This means they:

- Are shown in a list published by an accredited testing agency
- State whether they comply or have been tested and found safe
- May have a label from the testing agency on the heater.
 - American Gas Association (AGA) is an agency of this type.

An appliance not listed will not show up on the list and will not have a label.

The heater must have a label.

The input rating must not exceed 30 British thermal units (BTUs) per cubic foot of room or space in which the heater is installed.

- A BTU is a unit of measurement for heat output

SECTION 2: Space Heaters

Installation in Sleeping Rooms

*HUD 605-H, Housing
Inspection Manual,
Section III, 7.2*

If space heaters are to be installed in sleeping rooms, they should be:

- Vented
- Listed
- Equipped with a safety shutoff device

Determining Heater Input vs. Room Size

Estimate the volume of the living area (only the area to be heated) and take the length times the width times the height of each room to get total cubic feet.

Calculate the maximum heater input (without vent) that would be allowed by multiplying the volume to be heated by 30 BTUs per hour.

The result is the total number of BTUs per hour that could be produced within this space without a vent.

PHA Requirements With Waiver

*HUD 605-H, Housing
Inspection Manual,
Section III, 7.2*

For PHAs that have obtained a waiver, the following requirements apply:

- Determine the capacity of installed unvented heater and whether it is listed.
- Look at the label for model type, serial number, BTU's produced, and testing.
- If it does not have a label, it does not pass.
- Compare the total capacity of heater with the calculation made for maximum allowable.

SECTION 3 WATER HEATERS

Basic Objectives in Rating Water Heaters

The basic objective in rating water heaters is to assure that the hot water does not present a hazard to the occupant.

Reasons to Fail a Water Heater

*HUD 605-H, Housing
Inspection Manual,
Section III, 7.4*

Reasons to FAIL a water heater include:

- It is in a location that presents a hazard:
 - Gas water heaters may not be in bedrooms or other living areas where safety hazards may exist
 - An exception may be made if safety dividers or shields are installed
- Combustible materials are piled up against the heater
- Gas leakage.
- Flooding danger.
- Seriously cracked or broken vent pipes on gas-fired water heaters that allow by-products of combustion gases to escape into the unit
- Absence of a temperature-pressure relief (T & P) valve and discharge line
 - Note that a temperature-pressure relief valve is distinct from a general pressure relief valve
- Improper flues for venting exhaust gases
 - Flues must have clearance from combustible materials
 - An electric hot water heater does not require a flue
- Leaks from hot water tank
- Tag by the utility company indicating an unsafe condition

Tenant Preferences

The tenant must determine whether the water heater provides a sufficient supply of hot water to the unit.

SECTION 4 WATER AND SEWER

Water Supply

Basic Objectives in Rating Water Supply

The basic objectives in rating the water supply are:

- To determine whether the unit is served by an approvable public or private water supply
- To guarantee that the tenant will have adequate clean water

Requirements

The water supply must be connected to an approvable public or private system.

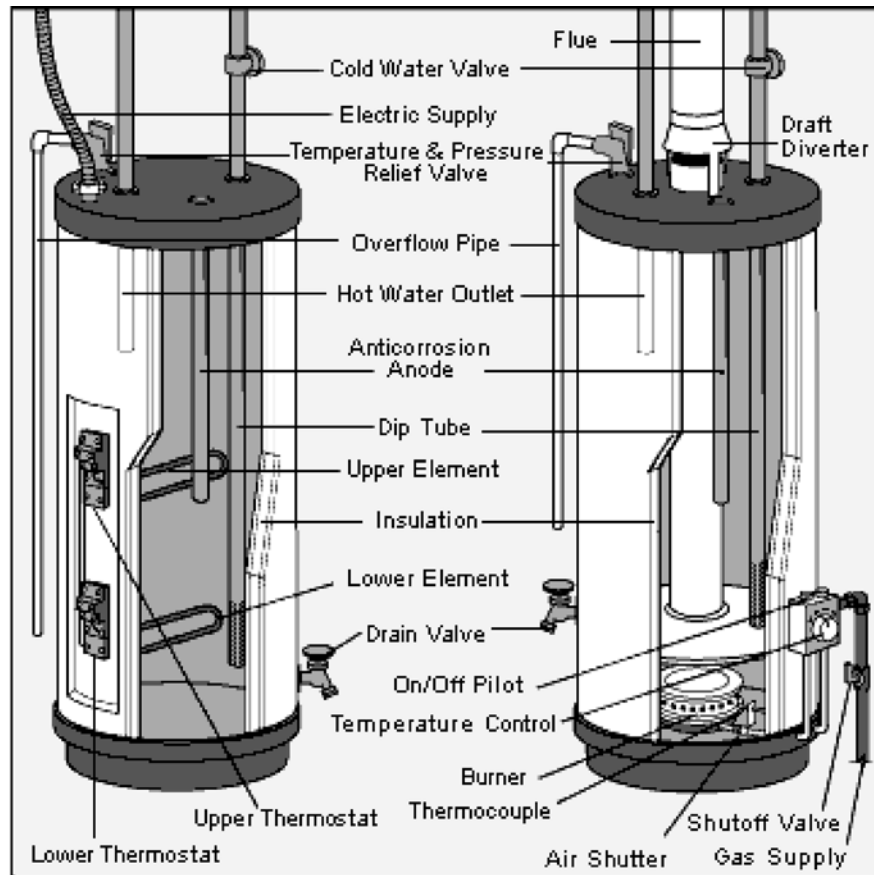
A public system will usually pass.

With private well systems:

- Ask the owner whether the well has been tested in the past and whether it is an approvable system.
- Do not require a test.
- Contact the appropriate public agency if uncertain.

SECTION 4: Water And Sewer

Hot Water Heater



SECTION 4: Water And Sewer

Plumbing

*HUD 605-H, Housing
Inspection Manual,
Section III, 7.6*

Basic Objectives in Rating the Plumbing

The basic objective in rating the plumbing is to assure that the dwelling is not subject to serious plumbing problems involving leaking or corroded pipes that could present a hazard to the occupant.

Fail Ratings for Plumbing

Conditions that would produce a FAIL rating include:

- Main system pipes are severely leaking
- Ask the tenant how persistent the condition is

Inspection Tips for Plumbing

Inspect for leaks in the basement by observing whether there is water on the floor or in buckets under pipes.

Observe the main water lines for dripping or severe corrosion or improperly sealed joints.

Pass With Comment Conditions

PASS WITH COMMENT conditions include:

- Moderate level of corrosion
- Little leaks

Sewer Connection

Basic Objective in Rating the Sewer Connection

The basic objective in rating the sewer connection is to guarantee that the unit is connected to a properly working sewer system.

Requirements

The unit must be connected to an approvable public or private system.

If it is connected to a city or town system, check PASS.

SECTION 4: Water And Sewer

If it is a private system, ask the owner about the type of system and determine whether it meets local health and safety standards.

Many homes in rural areas will have a septic tank and field located away from the house. In most cases, it will pass. Check with local health authorities if uncertain.

Check to see whether there is evidence of sewer back-up that would warrant a FAIL rating.

Ask the tenant if drains are regularly clogged or slow and be aware of any strong sewer gas smells or any wet areas outside of the unit caused by sewer or septic field back-up.

SECTION 4: Water And Sewer

Notes

CHAPTER 9 General Health and Safety

Learning Outcomes

Upon completion of this chapter, you should be able to:

- Inspect and rate general health and safety following the basic requirements, including what constitutes “fail” and “pass with comment” ratings for each aspect general health and safety
- Recognize and take into account tenant preferences for general health and safety
- Identify and appropriately address lead-based paint hazards
- Identify and appropriately address indoor air quality hazards

SECTION 1 RATING GENERAL HEALTH AND SAFETY

Basic Objectives in Rating General Health and Safety

*24 CFR 982.401;
HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, Part 8*

The basic objectives in rating general health and safety are:

- To assure that the tenant has direct access to his or her own unit, thereby assuring privacy of living quarters
- To assure that the tenant has an alternate means of exit from the building in case of fire
- To assure that the tenant will not be exposed to serious infestations of rats, mice or other potentially harmful vermin
- To assure that the tenant is not exposed to health hazards resulting from accumulations of garbage or trash in or about the unit
- To assure that the tenant has adequate means of storage and disposal of garbage and refuse
- To assure that the interior stairways and common hallways of the building are safe and adequately lighted so that the tenant is not exposed to safety risks
- To assure that the interior of the unit is free from any other hazards not specified or identified elsewhere
- To assure that elevators, when present, are operating in a manner that does not pose a safety hazard to the occupant
- To assure that the occupant is not exposed to abnormally high levels of harmful gases or other noxious pollutants
- To assure that the tenant is not exposed to any dangerous site or neighborhood conditions

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Unit Access

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.1 and 8.3*

The access to the unit by other than family members should be controlled.

Family should not have to go through another unit to reach their own unit.

Appropriate emergency exits from the building should exist.

“In law” apartments (areas not separated from the main area of the dwelling unit) should not be approved.

The family must have private access without unauthorized passage through another unit or other private property.

Location of a room within the unit is a tenant preference.

- Example: Having to go through a bedroom to reach a bathroom.

Unit Exits

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.2*

The unit must provide an alternate means of exit from the building (not the unit) in case of fire or other emergency.

The exits cannot be blocked or obstructed by debris, used as storage area, secured by nailing, etc.

Exits must meet local or state requirements and be considered adequate by the appropriate local officials.

Acceptable types of exits are:

- A fire escape or fire stairs
- An openable window if the unit is located on the first or second floor, or easily accessible to the ground
- An exit through windows with the use of a ladder if windows are above the second floor
- A back door, opening onto a porch, with a stairway to the ground

SECTION 1: Rating General Health and Safety

The PHA must determine that the unit has private access and provides acceptable means of exit.

- All windows and doors should operate properly
- A fire escape or fire stairs should be stable and secure
- Access or passage through another unit (i.e., by balcony), may be acceptable if there is a complete firewall between the units

Note: HQS regulations do not explicitly state how to handle the tricky situations that can arise from the use of double-keyed deadbolts and burglar bars on windows. A good judgment interpretation is that these accessories block the exits so that they cannot be counted as alternative means of egress in case of fire or other emergency for HQS purposes. For further discussion on these matters, please see Chapter 3, Section 2.

Tenant Preference

The tenant family should assist in determining if means of fire exit is acceptable, provided it meets HUD requirements.

Infestation

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.3*

A determination should be made concerning whether the unit is free from rats or severe infestation by mice and vermin.

Severe infestation means a condition that is serious and persistent.

The PHA must ensure that the unit has adequate barriers to prevent infestation.

Inspection Tips for Infestation

The presence of rats is indicated by large rat holes, droppings, runs and numerous rat settings.

- If unit is occupied, ask tenant if rats have been noticed.
- Look for rats along walls, under piles of rubbish, or behind or under boxes, boards, or thick vegetation.

Serious levels of mice infestation may be evidenced by sightings or droppings.

Look for infestation around trash or garbage cans and around areas for food storage.

SECTION 1: Rating General Health and Safety

Note: In 2010, HUD released guidance on bedbug infestations in public housing, but no change in decision making has occurred with regards to bedbugs in the voucher program and HQS. Because of the nature of bedbug infestations, a good judgment interpretation is to assume a “serious and persistent” infestation and fail the unit.

Tenant Preference

The tenant may decide whether the unit meets their requirements for cleanliness or whether any minor problems such as occasional roaches or mice would affect livability.

Garbage and Debris

The unit should be free from a heavy accumulation of garbage and debris, both inside and outside.

- Heavy accumulation means large piles of trash, garbage and discarded furniture and debris.
- This is a level of accumulation that cannot be picked up by an individual within one or two hours.
- Accumulations of this nature usually result in severe levels of rats and/or infestation of vermin.

Refuse Disposal

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.5*

The unit must contain adequate, covered facilities for temporary storage and disposal of food wastes, approvable by a local agency.

Adequate facilities are:

- Trash cans with covers
- Garbage chutes
- Dumpsters (large scale refuse containers or boxes with lids)
- Trash bags

Approvable by a local agency means that the local health and sanitation department approves the type of facility used.

If the unit is vacant and no adequate covered facilities are present, check the item as being INCONCLUSIVE.

SECTION 1: Rating General Health and Safety

Contact the owner or manager for verification of the facilities to be provided when the unit is occupied.

Use local guidelines for number and/or type of facility required.

Tenant Preference

If the PHA believes that the facilities for disposal of trash and garbage are not adequate, these concerns (such as the number of cans, etc.) should be discussed with the prospective tenant prior to leasing.

Nonetheless, the tenant has the freedom to select the unit despite these concerns as long as they meet the requirements stated above.

Interior Stairs and Common Halls

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.5*

This area is applicable to interior stairs in the unit, to common stairways and to common hallways.

This area is not applicable to stairs in “secondary rooms not used for living.”

Interior stairs and common halls must be free from safety hazards. The presence of safety hazards requires a FAIL rating and includes:

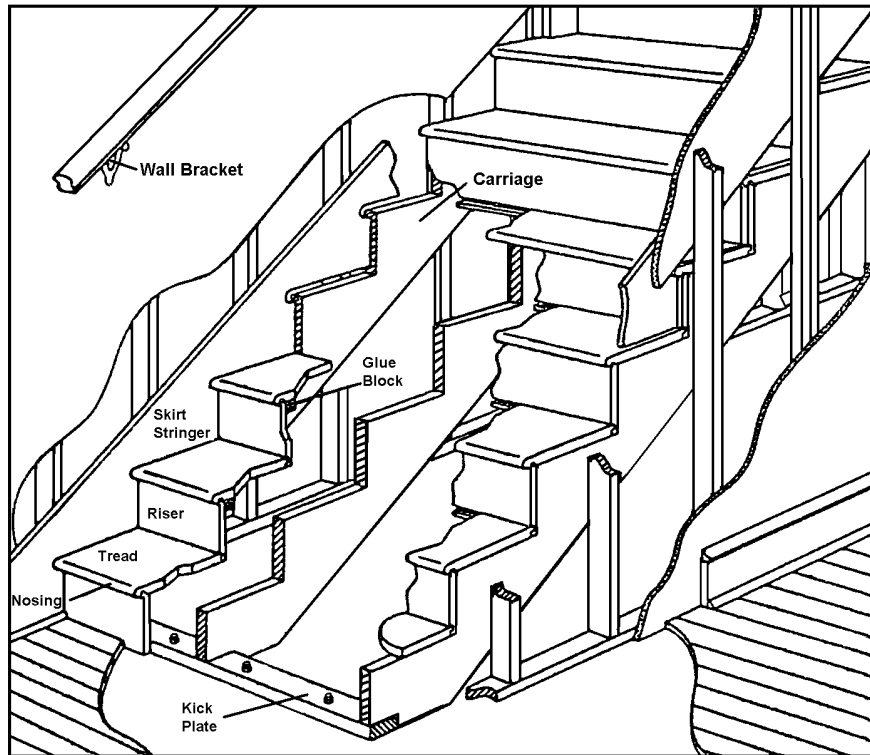
- Loose, broken or missing steps
- Absent or insecure railings
- Inadequate lighting
- An accumulation of objects or debris on steps
- Ripped, torn or frayed stair coverings, such as carpets or mats
- A large number of missing sections of vertical railing (called “balusters”)
- The absence of lighting for treads and risers.
 - Note location and number of light fixtures if electric service is off. Obtain verification from owner or manager that lights work when service is on.

Handrails missing on a section of four or more steps
Other hazards to be noted in Section 8.6 of the Inspection Checklist are:

- Electrical or tripping hazards on stairs or in common halls

SECTION 1: Rating General Health and Safety

Stairs



Other Interior Hazards

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.7*

The interior of the unit must be free from any other hazards not specifically identified elsewhere.

These types of hazards include:

- Protruding nails
- Broken bathroom fixtures with jagged edges.
- Doors in danger of falling because of faulty hinges

SECTION 1: Rating General Health and Safety

Elevators

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.8*

If present and where required, elevators must have a current state or local inspection certificate.

Check to ensure elevator appears to be in safe working condition.

Ask the tenant if the elevator works.

If local inspection is not required, ride the elevator to determine operability.

Interior Air Quality

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.9*

The unit must be free from abnormally high levels of air pollution caused by carbon monoxide, sewer gas, fuel gas, dust or other harmful pollutants.

Abnormally high means that pollutants are consistently present, constituting a health hazard.

Types of external pollutants include but are not limited to:

- Refineries
- Pulp or paper plants
- Chemical industries
- Proximity to heavy traffic
- Proximity to truck or bus garages

Types of internal pollutants include but are not limited to:

- Presence of sewer gas
- An improperly operating furnace
- A malfunctioning gas appliance

The unit must have adequate air circulation.

Bathroom areas must have one openable window or other adequate exhaust ventilation.

Any room used for sleeping must have at least one openable window, if the window was so designed.

For additional information on indoor air quality and carbon monoxide, see page 9-49 and page 9-54 in this workbook.

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Site and Neighborhood Conditions

*HCV Guidebook 7420.10G,
Chapter 10;
HUD 605-H, Housing
Inspection Manual,
Section III, 8.10*

The site and immediate neighborhood must be free from conditions that would seriously or continuously endanger the tenant's health and safety.

Fail Ratings for Site Conditions

Conditions that would require a FAIL rating include:

- Other buildings, on or near the property, that pose serious health or safety hazards (e.g., dilapidated shed or garage with a potential for collapse)
- Evidence of flooding or major drainage problems
- Proximity to open sewage
- Fire hazards
- Abnormal air pollution or smoke which continues throughout the year
- Continuous or excessive vibration caused by vehicular traffic (if the unit is occupied, ask the tenant about this condition)

Pass with Comment Conditions

PASS WITH COMMENT conditions include:

- Unimproved spaces such as a nearby vacant lot with accumulation of trash
- Large, bare patches on the grounds surrounding the building or unit
- Evidence of general lack of maintenance (i.e., some litter, lawn in need of care)

Tenant Preference

The type of neighborhood (i.e., commercial usage, demographic, or economic mix) in which a tenant wishes to live is the tenant's determination.

SECTION 1: Rating General Health and Safety

Smoke Detectors

General

Each unit must have at least one battery-operated or hardwired smoke detector:

- In proper operating condition
- On each level of the dwelling unit, including basements but excluding crawl spaces and unfinished attics

Detectors must be installed in accordance with and meet the requirements of National Fire Protection Association Standard (NFPA) 74 or its successors (currently NFPA 72).

For assistance in determining specific requirements mandated by the standard, the PHA should contact state or local fire officials with jurisdiction over the proposed property and with expertise concerning these requirements.

- HQS requirements for smoke detectors do not override more stringent state or local requirements.

Detectors for the Hearing-Impaired

If the unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system designed for hearing-impaired persons as specified by NFPA 74 or successor standards.

- Detectors for the hearing impaired are to be requested by the family.
- Note that PHAs are prohibited from inquiring about the nature or extent of a tenant's disability.

Installation Requirements

All Smoke Detectors – General

Smoke detectors must be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms.

They must be present on each story of the living unit, including basements and excluding crawl spaces and unfinished attics.

In new construction, there must be a smoke detector in each sleeping room.

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In split-level units (i.e., adjacent levels with less than one full story separation), a smoke detector installed in the upper level will suffice for the adjacent lower level **unless there is a door between one level and the adjacent lower level.**

Each detector must make an alarm that is clearly audible in all bedrooms over background noise with all intervening doors closed.

Audibility is based upon the noise created by all household equipment that would be in operation at night (such as window air conditioners and room humidifiers).

In new construction, if more than one detector is required, they will be arranged so that the operation of any detector will cause all other detectors to alarm.

Hardwired smoke detectors must be on an unswitched portion of a branch circuit or on a dedicated branch circuit.

Smoke Detector Installation – Specific Locations

In rooms with ceiling slopes more than one foot of rise per eight feet, the detector must be on the high side of the room.

A smoke detector in a stairwell must be placed to ensure that smoke rising in the stairwell cannot be prevented from reaching the detector because of an intervening door or obstruction.

A smoke detector placed in a basement must be in close proximity to the stairway leading to the floor above.

Smoke detectors installed to protect a sleeping room must be located outside of the bedroom but in the immediate vicinity of the sleeping area.

Detectors must be:

- Mounted on the ceiling at least four inches from a wall; **or**
- On a wall with the top of the detector not less than four inches nor more than 12 inches below the ceiling
 - If the wall or ceiling could be considerably warmer or colder than the room (such as a poorly insulated ceiling below an unfinished attic or an exterior wall), the detector must be mounted on an interior wall.
- Placed on the bottom of the joist if installed in an area with an open-joisted ceiling

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- Located so that jarring or vibration will not cause accidental operation
- Mounted so that they are not supported by the wiring

Detectors may not be installed in kitchens, garages, or other spaces where the temperature can fall below 32 degrees F or exceed 100 degrees F.

Unless specifically listed for this purpose, detectors may not be located closer than three feet from:

- The door to a kitchen or bathroom containing a tub or shower
- Supply registers of a forced air heating or cooling system

Detectors must have an alarm with a minimum rating of 85 dBA at 10 feet (or as low as 75 dBA if installed in the same room as the user, such as a bedroom).

Smoke Detectors for the Hearing-Impaired

An alarm with a visible signal must be installed in the bedroom occupied by a hearing-impaired individual.

- For rooms no larger than 14 feet by 16 feet, the visual alarm must have a minimum rating of 177 candela
- For larger rooms, the visual alarm must be within 16 feet of the pillow
- If the visual alarm is installed more than 24 inches below the ceiling, a minimum rating of 110 candela is allowed

SECTION 2 LEAD-BASED PAINT

On January 13, 2017, HUD published a final rule in the *Federal Register*, “Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance; Response to Elevated Blood Lead Levels.”

The rule amended HUD’s lead-based paint regulations to reduce the blood lead levels in children under the age of six who reside in federally assisted housing, and revises the definition of elevated blood lead level to conform to Center for Disease Control and Prevention (CDC) guidance—specifically, reducing the amount considered an “elevated blood lead level (EBLL) from 20 micrograms per deciliter (µg/dL) to 5 µg/dL.

In addition, the final rule made the following changes:

- Definitions for the terms certified, environmental investigation, evaluation, and expected to reside have been added to the regulations
- Posting notices of environmental investigation in centrally located common areas is prohibited to protect the family's privacy, although the PHA must notify residents if conducting lead hazard evaluations or reduction activities
- When a child under six has an elevated blood lead level, the housing provider must conduct an environmental investigation within 15 calendar days of receiving notification
- The housing provider must complete the lead-hazard reduction within 30 calendar days of receiving the environmental investigation report
- If lead hazards are identified at the property, the housing provider must conduct risk assessments for the rest of the property within 30 calendar days from receiving the environmental investigation report when there are fewer than 20 units on the property, and within 60 days if there are more than 20

SECTION 2: Lead-Based Paint

- If the risk assessment for the rest of the property identifies further lead hazards, the housing provider has 30 calendar days to complete the lead hazard reduction, or 90 days if there are more than 20 units identified with lead-based paint hazards where the control work would disturb more than the de minimis threshold
- The housing provider is required to report cases to HUD and provide documentation that it has completed requirements within the specified timeframes within 10 days of the deadline for each activity

As a follow-up to the revised Lead-Based Paint rule, HUD released Notice PIH 2017-13 on August 10, 2017.

- The notice focuses on the changes brought about by the rule, in addition to providing program-specific guidance on the actions required when a child is identified as having an elevated blood lead-level (EBLL).

The summary of lead-based paint requirements that follows in this chapter is inclusive of the changes in both the revised rule and the PIH notice.

Lead-Based Paint Regulatory Requirements

Definitions

Abatement means any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards (see definition of “permanent”). Abatement includes:

- (1) The removal of lead-based paint and dust-lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and
- (2) All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

Act means the Lead-Based Paint Poisoning Prevention Act, as amended, 42 U.S.C. 4822 *et seq.*

Assisted units means federally assisted and federally owned “target” housing, which includes units assisted under Sections 8 and 9 of the U.S. Housing Act of 1937, as amended.

SECTION 2: Lead-Based Paint

Bare soil means soil or sand not covered by grass, sod, other live ground covers, wood chips, gravel, artificial turf, or similar covering.

Certified means certified to perform such activities as risk assessment, lead-based paint inspection, abatement supervision, or renovation, either by a state or Indian tribe with a lead-based paint certification program authorized by the Environmental Protection Agency (EPA), or by the EPA, in accordance with 40 CFR part 745, subparts L or Q.

Chewable surface means an interior or exterior surface painted with lead-based paint that a young child can mouth or chew. A chewable surface is the same as an “accessible surface” as defined in 42 U.S.C. 4851b(2)). Hard metal substrates and other materials that cannot be dented by the bite of a young child are not considered chewable.

Clearance examination means an activity conducted following lead-based paint hazard reduction activities to determine that the hazard reduction activities are complete and that no soil-lead hazards or settled dust-lead hazards, as defined in this part, exist in the dwelling unit or worksite. The clearance process includes a visual assessment and collection and analysis of environmental samples. Dust-lead standards for clearance are found at § 35.1320.

CILP recipient means an owner of a multifamily property which is undergoing rehabilitation funded by the Flexible Subsidy-Capital Improvement Loan Program (CILP).

Common area means a portion of a residential property that is available for use by occupants of more than one dwelling unit. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, on-site day care facilities, garages and boundary fences.

Component means an architectural element of a dwelling unit or common area identified by type and location, such as a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior window sill in a bathroom, a porch floor, stair treads in a common stairwell, or an exterior wall.

SECTION 2: Lead-Based Paint

Composite sample means a collection of more than one sample of the same medium (e.g., dust, soil or paint) from the same type of surface (e.g., floor, interior window sill, or window trough), such that multiple samples can be analyzed as a single sample.

Containment means the physical measures taken to ensure that dust and debris created or released during lead-based paint hazard reduction are not spread, blown or tracked from inside to outside of the worksite.

Designated party means a Federal agency, grantee, subrecipient, participating jurisdiction, housing agency, CILP recipient, Indian tribe, tribally designated housing entity (TDHE), sponsor or property owner responsible for complying with applicable requirements.

Deteriorated paint means any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

Dry sanding means sanding without moisture and includes both hand and machine sanding.

Dust-lead hazard means surface dust that contains a dust-lead loading (area concentration of lead) at or exceeding the levels promulgated by the EPA pursuant to section 403 of the Toxic Substances Control Act or, if such levels are not in effect, the standards in § 35.1320.

Dwelling unit means a: (1) Single-family dwelling, including attached structures such as porches and stoops; or (2) Housing unit in a structure that contains more than 1 separate housing unit, and in which each such unit is used or occupied, or intended to be used or occupied, in whole or in part, as the home or separate living quarters of 1 or more persons.

SECTION 2: Lead-Based Paint

Elevated blood lead level means a confirmed concentration of lead in whole blood of a child under age six equal to or greater than the concentration in the most recent guidance published by the U.S. Department of Health and Human Services (HHS) on recommending that an environmental intervention be conducted. A *confirmed concentration* is one that is measured by a venous (from a vein) blood draw, and not a finger prick/quick capillary screening test. (When HHS changes the value, HUD will publish a notice in the *Federal Register*, with the opportunity for public comment, on its intent to apply the changed value to this part, and after considering comments, publish a notice to apply the changed value to this part.)

Encapsulation means the application of a covering or coating that acts as a barrier between the lead-based paint and the environment and that relies for its durability on adhesion between the encapsulant and the painted surface, and on the integrity of the existing bonds between paint layers and between the paint and the substrate. Encapsulation may be used as a method of abatement if it is designed and performed so as to be permanent (see definition of permanent).

Enclosure means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment. Enclosure may be used as a method of abatement if it is designed to be permanent (see definition of “permanent”).

Environmental investigation means the process of determining the source of lead exposure for a child under age six with an elevated blood lead level consisting of administration of a questionnaire, comprehensive environmental sampling, case management, and other measures, in accordance with chapter 16 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (“Guidelines”). Per Notice PIH 2017-13, the environmental investigation is a risk assessment with additional questions for the family regarding other sources of lead exposure.

Evaluation means a risk assessment, a lead hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint, or an environmental investigation.

SECTION 2: Lead-Based Paint

Expected to reside means there is actual knowledge that a child will reside in a dwelling unit reserved or designated exclusively for the elderly or reserved or designated exclusively for persons with disabilities. If a resident woman is known to be pregnant, there is actual knowledge that a child will reside in the dwelling unit. “Actual knowledge” differs from the potential for a child under six to reside sometime in the future—potential does not create an expectation under the Lead Safe Housing Rule (LHSR).

Federal agency means the United States or any executive department, independent establishment, administrative agency and instrumentality of the United States, including a corporation in which all or a substantial amount of the stock is beneficially owned by the United States or by any of these entities. The term “Federal agency” includes, but is not limited to, Rural Housing Service (formerly Rural Housing and Community Development Service that was formerly Farmer’s Home Administration), Resolution Trust Corporation, General Services Administration, Department of Defense, Department of Veterans Affairs, Department of the Interior, and Department of Transportation.

Federally owned property means residential property owned or managed by a Federal agency, or for which a Federal agency is a trustee or conservator.

Firm commitment means a valid commitment issued by HUD or the Federal Housing Commissioner setting forth the terms and conditions upon which a mortgage will be insured or guaranteed.

Friction surface means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

g means gram, *mg* means milligram (thousandth of a gram), and μg means microgram (millionth of a gram).

Grantee means any state or local government, Indian tribe, IHBG recipient, insular area or nonprofit organization that has been designated by HUD to administer Federal housing assistance under a program covered by subparts J and K of Part 35, except the HOME program or the Flexible Subsidy-Capital Improvement Loan Program (CILP).

SECTION 2: Lead-Based Paint

Hard costs of rehabilitation means: (1) Costs to correct substandard conditions or to meet applicable local rehabilitation standards; (2) Costs to make essential improvements, including energy-related repairs, and those necessary to permit use by persons with disabilities; and costs to repair or replace major housing systems in danger of failure; and (3) Costs of non-essential improvements, including additions and alterations to an existing structure; but (4) Hard costs do not include administrative costs (e.g., overhead for administering a rehabilitation program, processing fees, etc.).

Hazard reduction means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods including interim controls or abatement or a combination of the two.

HEPA vacuum means a vacuum cleaner device with an included high-efficiency particulate air (HEPA) filter through which the contaminated air flows, operated in accordance with the instructions of its manufacturer. A HEPA filter is one that captures at least 99.97 percent of airborne particles of at least 0.3 micrometers in diameter.

Housing for the elderly means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or more, or other age if recognized as elderly by a specific Federal housing assistance program.

Housing receiving Federal assistance means housing which is covered by an application for HUD mortgage insurance, receives housing assistance payments under a program administered by HUD, or otherwise receives more than \$5,000 in project-based assistance under a Federal housing program administered by an agency other than HUD.

HUD means the United States Department of Housing and Urban Development.

HUD-owned property means residential property owned or managed by HUD, or for which HUD is a trustee or conservator.

Impact surface means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

Index unit means the unit where a child with an EBLL resides.

SECTION 2: Lead-Based Paint

Indian Housing Block Grant (IHBG) recipient means a tribe or a tribally designated housing entity (TDHE) receiving IHBG funds.

Indian tribe means a tribe as defined in the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*)

Inspection (See Lead-based paint inspection).

Insular areas means Guam, the Northern Mariana Islands, the United States Virgin Islands and American Samoa.

Interim controls means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.

Interior window sill means the portion of the horizontal window ledge that protrudes into the interior of the room, adjacent to the window sash when the window is closed. The interior window sill is sometimes referred to as the window stool.

Lead-based paint means paint or other surface coatings that contain lead equal to or exceeding 1.0 milligram per square centimeter or 0.5 percent by weight or 5,000 parts per million (ppm) by weight.

Lead-based paint hazard means any condition that causes exposure to lead from dust-lead hazards, soil-lead hazards, or lead-based paint that is deteriorated or present in chewable surfaces, friction surfaces, or impact surfaces, and that would result in adverse human health effects.

Lead-based paint inspection means a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation.

Lead hazard screen means a limited risk assessment activity that involves paint testing and dust sampling and analysis as described in 40 CFR 745.227(c) and soil sampling and analysis as described in 40 CFR 745.227(d).

Mortgagee means a lender of a mortgage loan.

Mortgagor means a borrower of a mortgage loan.

SECTION 2: Lead-Based Paint

Multifamily property means a residential property containing five or more dwelling units.

Multi-unit property means a residential property with two or more dwelling units. For the purposes of the LHSR, all buildings with assisted units or servicing those buildings (e.g., garages, tool sheds, etc.) associated with the property are covered by the requirements.

Occupant means a person who inhabits a dwelling unit.

Owner means a person, firm, corporation, nonprofit organization, partnership, government, guardian, conservator, receiver, trustee, executor, or other judicial officer, or other entity which, alone or with others, owns, holds, or controls the freehold or leasehold title or part of the title to property, with or without actually possessing it. The definition includes a vendee who possesses the title, but does not include a mortgagee or an owner of a reversionary interest under a ground rent lease.

Other covered units means federally assisted units where a child under six resides or is expected to reside in a multi-unit property that has an index unit. The child's age is considered as of the date the environmental investigation in the index unit and associated common areas is completed.

Paint stabilization means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint.

Paint testing, or paint chip sampling, means the process of determining, by a certified lead-based paint inspector or risk assessor, the presence or the absence of lead-based paint on deteriorated paint surfaces or painted surfaces to be disturbed or replaced.

Paint removal means a method of abatement that permanently eliminates lead-based paint from surfaces.

Painted surface to be disturbed means a paint surface that is to be scraped, sanded, cut, penetrated or otherwise affected by rehabilitation work in a manner that could potentially create a lead-based paint hazard by generating dust, fumes, or paint chips.

SECTION 2: Lead-Based Paint

Participating jurisdiction means any state or local government that has been designated by HUD to administer a HOME program grant.

Permanent means an expected design life of at least 20 years.

Play area means an area of frequent soil contact by children of less than six years of age, as indicated by the presence of play equipment (e.g., sandboxes, swing sets, sliding boards, etc.), or toys or other children's possessions, observations of play patterns, or information provided by parents, residents or property owners.

Project-based rental assistance means federal rental assistance that is tied to a residential property with a specific location and remains with that particular location throughout the term of the assistance.

Public health department means a state, tribal, county or municipal public health department or the Indian Health Service.

Public housing development means a residential property assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*), but not including housing assisted under section 8 of the 1937 Act.

Reevaluation means a visual assessment of painted surfaces and limited dust and soil sampling conducted periodically following lead-based paint hazard reduction where lead-based paint is still present.

Rehabilitation means the improvement of an existing structure through alterations, incidental additions or enhancements. Rehabilitation includes repairs necessary to correct the results of deferred maintenance, the replacement of principal fixtures and components, improvements to increase the efficient use of energy, and installation of security devices.

Replacement means a strategy of abatement that entails the removal of building components that have surfaces coated with lead-based paint and the installation of new components free of lead-based paint.

SECTION 2: Lead-Based Paint

Residential property means a dwelling unit, common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences and play equipment affixed to the land, belonging to an owner and available for use by residents, but not including land used for agricultural, commercial, industrial or other non-residential purposes, and not including paint on the pavement of parking lots, or roadways.

Risk assessment means: (1) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and (2) The provision of a report by the individual or firm conducting the risk assessment explaining the results of the investigation and options for reducing lead-based paint hazards.

Single family property means a residential property containing one through four dwelling units.

Single room occupancy (SRO) housing means housing consisting of zero-bedroom dwelling units that may contain food preparation or sanitary facilities or both (see Zero-bedroom dwelling).

Soil-lead hazard means bare soil on residential property that contains lead equal to or exceeding levels promulgated by the U.S. Environmental Protection Agency pursuant to Section 403 of the Toxic Substances Control Act or, if such levels are not in effect, the following levels: 400 mg/g in play areas; and 2000 mg/g in other areas with bare soil that total more than nine square feet (0.8 square meters) per residential property.

Sponsor means mortgagor (borrower).

Subrecipient means any nonprofit organization selected by the grantee or participating jurisdiction to administer all or a portion of the federal rehabilitation assistance or other non-rehabilitation assistance, or any such organization selected by a subrecipient of the grantee or participating jurisdiction. An owner or developer receiving federal rehabilitation assistance or other assistance for a residential property is not considered a subrecipient for the purposes of carrying out that project.

Standard treatments means a series of hazard reduction measures designed to reduce all lead-based paint hazards in a dwelling unit without the benefit of a risk assessment or other evaluation.

SECTION 2: Lead-Based Paint

Substrate means the material directly beneath the painted surface out of which the components are constructed, including wood, drywall, plaster, concrete, brick or metal.

Target housing means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child of less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling. In the case of jurisdictions which banned the sale or use of lead-based paint prior to 1978, HUD may designate an earlier date.

Tenant means the individual named as the lessee in a lease, rental agreement or occupancy agreement for a dwelling unit.

Visual assessment means looking for, as applicable:

- (1) Deteriorated paint;
- (2) Visible surface dust, debris and residue as part of a risk assessment or clearance examination; or
- (3) The completion or failure of a hazard reduction measure.

- Visual assessment is discussed in detail on page 9-33.

Wet sanding or *wet scraping* means a process of removing loose paint in which the painted surface to be sanded or scraped is kept wet to minimize the dispersal of paint chips and airborne dust.

Window trough means the area between the interior window sill (stool) and the storm window frame. If there is no storm window, the window trough is the area that receives both the upper and lower window sashes when they are both lowered.

Worksite means an interior or exterior area where lead-based paint hazard reduction activity takes place. There may be more than one worksite in a dwelling unit or at a residential property.

Zero-bedroom dwelling means any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings (see Single room occupancy (SRO)).

SECTION 2: Lead-Based Paint

Inspection Requirements and General Actions

The rule is not applicable to zero-bedroom units (unless a child under six resides or is expected to reside), units that are certified by a *qualified* inspector to be free of lead-based paint, or units designated exclusively for the elderly or persons with disabilities. Exemptions also include:

- Unoccupied properties that are to be demolished and will remain unoccupied until demolition
- Emergency repairs to protect life, health, safety, or structure
- Rehabilitation that does not disturb a painted surface
- When compliance with requirements for testing and remediation may be reasonably delayed due to adverse weather conditions

Any unit is subject if a child under six years of age is “expected to reside.” Actual knowledge that a child will reside is not required.

Do not ask about pregnancy status.

There are two conditions with corresponding procedures to inspect for in the Housing Quality Standards Inspection, as follows.

Condition 1: Units constructed prior to 1978¹ with a child under six years old

PHA must visually inspect (visual assessment) to identify deteriorated paint (defective paint), at the initial and each periodic inspection, on the interior and exterior of the unit.

Procedures

All deteriorated paint must be treated. There are no limits to the surfaces covered by the requirement. (Designated party shall conduct a visual assessment of “all painted surfaces.”)

Includes:

- All surfaces within the dwelling unit
- All surfaces on the exterior of the unit, regardless of height from the ground.
- All common areas serving the dwelling unit (see definitions).

1. Obtain the date built from the tax assessor’s office or some other source. Document the construction date!

SECTION 2: Lead-Based Paint

Treatment

The owner shall stabilize each deteriorated paint surface in accordance with 35.1330 (a) and (b) before the start of an assisted occupancy.

If an assisted occupancy started prior to a periodic inspection, paint stabilization must be completed within 30 days of notification of the owner of the results of the visual assessment.

Paint Stabilization (see definitions)—any physical defect in the substrate that is causing deterioration is to be repaired. Such defects include dry rot, rust, moisture, crumbling plaster and missing siding, or other components that are not securely fastened.

Clearance of the dwelling unit if paint stabilization is conducted—clearance test must be conducted by certified risk assessors or certified lead-based paint inspectors, or sample technician/clearance inspectors working under them.

The owner provides notice to the occupants describing the results of the clearance examination.

Maintenance

Ongoing maintenance of painted surfaces and safe work practices are to be incorporated into regular building operations.

Ongoing LBP maintenance:

- Visually assessing at least once a year the condition of painted surfaces to identify deteriorated paint.
- Stabilizing any deteriorated paint.
- Using safe work practices when performing any maintenance or renovation that disturbs paint that may be lead-based paint.

SECTION 2: Lead-Based Paint

Safe work practices:

- Occupant protection
- Work site preparation
- Specialized cleanup
- Prohibition of certain methods of paint removal
 - Safe work practices are not required if the total area of paint surfaces being disturbed is no more than de minimis exemption levels of 20 square feet on exterior surfaces, or two square feet in any one interior room or space, or 10 percent of the total surface area on an interior or exterior component with a small surface area, such as window sills, baseboards, and other trim.

Condition 2: Units constructed prior to 1978¹ with a child under six years old with an identified elevated blood lead level (EBLL)

Procedure

Within 15 days after being notified by a public health department or other medical health care provider of an EBLL child, the designated party (PHA, program administrator) must conduct an environmental investigation of the dwelling unit in which the child lived at the time the blood was last sampled, and of the common areas servicing the dwelling unit.

- The investigation is considered complete when the PHA receives the environmental investigation report.
- If the owner conducted a risk assessment of the unit and common areas servicing that unit during that period, the owner does not need to conduct another risk assessment, but does need to conduct the elements of an environmental investigation not already conducted during the risk assessment.
- If receiving information regarding an EBLL child from a person who is not the public health department or a medical or health care professional, the designated party must verify the case.

1. Obtain the date built from the tax assessor's office or some other source. Document the construction date!

SECTION 2: Lead-Based Paint

Within 30 or 90 days after receiving the environmental investigation report, depending on the number of units, the owner shall complete the reduction of identified lead-based paint hazards.

Hazard reduction is complete when a clearance report states that lead-based paint hazards have been treated with interim controls or abatement, or when the public health department certifies that clearance is complete.

The owner shall notify the building residents of any evaluation or hazard reduction activities.

The owner must report the name and address of a child identified as having EBLL to the public health department within five business days of being so notified by any other medical health care professional.

The owner must also report each confirmed case of a child with an EBLL to the HUD field office and HUD's Office of Lead Hazard Control and Healthy Homes (OLHCHH) within five business days of being notified.

- Note that information shared with HUD or the PHA must not include the child's name or blood result unless this is done so in a secure manner.

The owner must provide documentation to the HUD field office that the designated party has conducted these required activities within 10 business days of the deadline for each activity.

If the environmental investigation identifies lead-based paint hazards, the owner must conduct a risk assessment for other assisted dwelling units on the property in which a child under age six resides or is expected to reside. The risk assessments must be completed within 30 calendar days after receiving the environmental investigation report if there are 20 or fewer such other units, or 60 calendar days if there are more than 20.

- If the risk assessment identifies LBP hazards, the owner must complete the reduction in those units and common areas within 30 calendar days, or within 90 calendar days if more than 20 units have LBP hazards such that the control work would disturb more than the de minimis threshold.
- If a state or local government establishes more protective standards in response to lead in children's blood, PHAs must follow those standards.

SECTION 2: Lead-Based Paint

- Further details on verification, responding to EBLs, environmental investigations, and lead hazard control can be found in Notice PIH 2017-13.

Delays Due to Adverse Weather

Delays in evaluation and reduction activities are allowed “for a reasonable time during a period when weather conditions are unsuitable for conventional construction activities.”

The intent is that this exception will allow reasonable delay only; it is not an excuse for noncompliance.

Treatment Methods for Deteriorated Paint

Owners must treat deteriorated paint by methods that are in compliance with federal, state, local or tribal laws.

Information regarding this should be given to all owners. Especially note the information on prohibited methods of paint removal in 35.140 of the final rule.

Other Responsibilities

Before executing a HAP contract, the owner must inform the PHA and the family of any knowledge of the presence of lead-based paint on the surfaces of the unit.

Each quarter, the PHA must attempt to obtain from the public health department the names and addresses of children of less than six years of age with an identified EBL.

At least quarterly, the PHA (designated party) shall also report an updated list of the addressees of units receiving assistance under a tenant-based rental assistance program to the same public health department, unless the health department states it does not want the report.

If a match occurs, the PHA (designated party) shall carry out the requirements.

SECTION 2: Lead-Based Paint

Records

The PHA (designated party) shall keep a copy of each notice, evaluation and clearance or abatement report required, for at least three years after ongoing lead-based paint maintenance or reevaluation activities are no longer required (24 CFR 35.175).

Other Clarifications Related to 24 CFR Part 35

In the *Federal Register* dated 6/21/04, HUD published a final rule that also made conforming amendments to its lead-based paint regulations. This rule clarified HUD's definitions and standards for dust-lead and soil-lead hazards to make them consistent with the final rule of the U.S. Environmental Protection Agency (EPA) on Identification of Dangerous Levels of Lead, as required by Title X of the Housing and Community Development Act of 1992. Most of the changes affect the regulations in 24 CFR part 35, as follows:

- Extensions for lead paint stabilization not to exceed 90 days
- Interior clearance is not required if only exterior work is performed
- If the area was contained, only the worksite has to be cleared
- EPA pamphlet required of the owner, not the PHA, unless not provided by the owner
- There is a web site listing the training available for workers performing stabilization above de minimis levels:
www.hud.gov/offices/lead
 - Such workers must be trained or supervised by someone who is trained.

See the HUD References chapter for a copy of the current Part 35 regulations.

SECTION 3 ADDRESSING LEAD-BASED PAINT IN SECTION 8 HOUSING

Health Effects

Lead is particularly hazardous to children under age six. Effects include:

- Damage to brain and nervous systems
- Learning and behavioral problems
- Slowed growth

Lead is also a danger to pregnant women and workers.

Lead poisoning often has no symptoms.

Until recently, children were considered to have a blood-lead level of concern if a test result yielded levels above 10 µg/dL. Now, experts use a new level based on the children in the top 2.5 percent when tested for lead in their blood, which amounts to approximately 5 µg/dL.

- While 2.5 percent may seem like a small number, among these children, low-income and African-American children are disproportionately affected.

Lead Exposure Paths

Common lead exposure paths are:

- Hand-to-mouth (children are especially at risk)
- Breathing lead-contaminated dust or fumes (workers are especially at risk)
- Eating paint chips (this is **not** typically a child's primary route of ingestion)

Most people become poisoned around their home, work, or neighborhood.

Lead Hazards

Lead-based paint contains at least:

- 1 milligram per square centimeter (mg/cm²) of lead
- 0.5 percent lead by weight (5,000 parts per million [ppm])

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

Lead-based paint hazards include:

- Deteriorated lead-based paint
- Lead-contaminated dust
- Lead-contaminated soil
- Friction, impact, and accessible surfaces

Lead hazards are usually found in:

- Pre-1978 dwelling units
- Renovated or remodeled units
- Units in poor condition
- Units with exterior lead-contaminated soil

Most children who are lead-poisoned are poisoned from lead-based paint in their homes. This problem is preventable; you can help stop it!

How Lead-Based Paint Fits Into HQS

Units leased under the Housing Choice Voucher program must be decent, safe and sanitary.

Lead-based paint is one of the 13 major HQS requirements.

Where LBP Requirements Apply

Remember, LBP requirements apply for units built before January 1, 1978 and occupied by children under age six. Inform HQS inspectors.

LBP requirements apply to:

- All painted surfaces associated with the assisted unit
 - Interior
 - Exterior
- Common areas
 - Fences
 - Play areas
 - Child care facilities
 - Garages

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

Housing Choice Voucher Lead-Based Paint Requirements

The key steps in maintaining compliance with HUD's lead-based paint regulations include:

- Notification and disclosure
- Evaluation
- Hazard reduction, including stabilizing deteriorated paint surfaces using safe work practices
- Passing the clearance examination
- Providing notice to occupants
- Ongoing maintenance

Notification and Disclosure

Owners must:

- Disclose known lead-based paint or lead-based paint hazards
- Provide EPA pamphlet and the proper disclosure form
 - www.epa.gov/sites/production/files/documents/lesr_eng.pdf
 - www.hud.gov/program_offices/healthy_homes/enforcement/disclosure
- Attach disclosure form to lease
- Keep signed copy in tenant file

PHAs must keep records in tenant files.

Evaluation

Evaluation can involve the visual assessment, risk assessment, and inspection, and applies only for units built before 1978 where a child under six years of age lives.

During a visual assessment, you are looking for:

- Deteriorated paint
- Visible dust
- Paint chips
- Debris

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

A visual assessment is performed by the HQS inspector at initial and annual/biennial HQS inspections.

Applies to areas including interior and exterior surfaces and common areas.

The inspector informs the owner of violations.

- Training: www.hud.gov/lea

Deteriorated paint below de minimis levels must be repaired, but does **not** require safe work practices or clearance. De minimis levels are a deteriorated area more than:

- Twenty (20) square feet on exterior surfaces
- Two (2) square feet on interior surfaces
- Ten (10) percent of small interior/exterior components

Checklist Items Related to LBP

Front page:

- Age of building
- Age of children

All unit interior rooms

Secondary rooms within the unit (5.4)

Building exteriors (6.6)

Common hallways (8.6)

Owner's Certification (8.11)

Completing the HQS Form

The inspector must determine the status of each item on the checklist.

If no deteriorated paint exists, no further action is needed.

Fail items require a written explanation, including location and required action.

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

Proper Instruction

“Correct deteriorated paint surface on the north bedroom wall in accordance with all requirements of 24 CFR Part 35. Provide signed Lead Paint Owner’s Certification at conclusion of all repairs.”

Hazard Reduction

Hazard reduction involves paint stabilization, interim controls, and abatement. Paint stabilization must occur:

- Before approval of tenancy (new units)
- Within 30 days of notification (occupied units)
- Failure constitutes an HQS violation

Paint stabilization involves:

- Removal of loose paint
- Repair of physical defects in substrate
- Application of new coat of paint
- Safe work practices and clearance (when de minimis levels are exceeded)

Owner Responsibilities

Use trained workers and use safe work practices:

- Protect occupants
- Use proper work methods
- Use specialized cleaning methods
- Notify occupants of clearance results

Training and Supervision

Other worker training options are:

- Abatement supervisor course
- Abatement worker course
- Maintenance training program
- Remodelers and renovators LBP program, or equivalent, EPA- or HUD-approved course

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

Safe Work Practices

Prohibited treatment methods include:

- Open-flame burning and torching
- Machine-sanding or grinding without HEPA exhaust control
- Heat guns operating above 1,100 degrees F.
- Abrasive blasting or sandblasting without HEPA exhaust
- Dry sanding and dry scraping
- Paint stripping in poorly ventilated space or using hazardous chemical as defined by OSHA

Acceptable surface preparation methods include:

- Wet scraping and wet sanding
- Power sanding with HEPA-filtered local exhaust attachment
- Heat guns under 1100° F
- Dry sanding and dry scraping (only in limited areas)

Occupant protection:

- Occupants are not permitted in work area
- Relocation may be required

Work site preparation:

- Cover floors with durable plastic
- Cover or move occupant belongings
- Contain area

Clean-up:

- Wet cleaning and detergent
- HEPA vacuum

Clearance Examination

The clearance examination determines if paint hazard reduction activities are complete.

For all projects involving abatement, the clearance examination must be performed by a certified risk assessor or a certified lead-based paint inspector. Clearance of non-abatement work can be performed by a certified risk assessor or lead-based paint inspector, or by a certified sampling technician.

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

The examination includes:

- Visual assessment of unit and common areas
- Collecting and analyzing dust-wipe samples
- Laboratory test results

Notifying Residents

A completed clearance examination is followed by notice of hazard reduction to residents. Notification involves notifying building residents and the local HUD Field Office of each hazard reduction activity completed.

- For building residents, this could be done by posting notice in a central location or distributing notice to each unit.
- Building residents must be notified within 15 calendar days of completion.
- The local HUD Field Office must be notified within 10 business days of completion.

Ongoing Maintenance

- Regular visual assessments by a trained visual assessor (e.g., at unit turnover and every 12 months)
- Paint stabilization and correction of failed hazard reduction systems
- Repair of any failed encapsulation or enclosure controls
- Bare soil treatment
- Safe work, work site preparation, and clearance examination
- Written notice to occupants asking to report deteriorated paint and any failure of encapsulation or enclosure

HUD's Lead Safe Housing Rule: Dust Lead Standards

HUD uses these clearance standards:

Floors	40 mg/square foot
Interior window sills	250 mg/square foot
Window troughs	400 mg/square foot

It is necessary to clean carefully to meet these standards.

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

Paint Stabilization Option

Test paint first

- Use certified lead-based paint inspector or risk assessor
- Paint chip sample or XRF test

If paint is **not** lead based, paint stabilization and clearance are not required

Response to Poisoned Children

The definition of a *lead-poisoned child* is a child less than age six with a confirmed concentration of lead in whole blood equal to or greater than:

- 5 µg/dL (micrograms per deciliter)

Steps to be taken are discussed in detail in Section 2 of this chapter. Briefly, they include:

- Receive, verify, report information
- Conduct environmental investigation and notify owner of results
- Owner must perform lead hazard reduction within 30 or 90 days of notification, depending on the number of units
- Notice PIH 2017-13 contains detailed requirements

Environmental Investigation

An environmental investigation is done to identify lead paint hazards, and involves a combination of:

- Visual assessment
- Paint testing
- Soil testing
- Case management and other measures

The comprehensive environmental sampling aspect of the environmental investigation is performed by qualified and certified Risk Assessor.

It provides options to control hazards.

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

Lead Hazard Reduction

Use trained/certified workers

- Abatement workers must be certified
- Interim control workers must be trained

Safe work practices include:

- Work site set-up
- Safe work methods and clearance

Protect occupants

Owners are responsible

Owner Responsibilities

Worker and supervisor training:

- Workers must have at least OSHA lead hazard communication training, and be supervised by a certified “Lead-Based Paint Abatement Supervisor,”

OR

- Workers must have successfully completed more extensive lead training as specified in HUD’s Lead Safe Housing Rule.
 - Certified renovation firms and training providers can be found on the EPA’s lead homepage



U.S. Department of Housing and Urban Development
Public and Indian Housing
Office of Healthy Homes and Lead Hazard Control

Special Attention of:
Office Directors of Public Housing;
Regional Directors; Public Housing
Agencies; Housing Choice Voucher
Property Owners.

Notice PIH 2011-44 (HA); OHHLHC 2011-01

Issued: July 29, 2011

Cross References:

24 CFR Part 35
24 CFR Part 901
24 CFR Part 941
24 CFR Part 965
24 CFR Part 968
24 CFR Part 970
24 CFR Part 982
24 CFR Part 983

SUBJECT: Guidance on EPA's Lead-Based Paint Renovation, Repair and Painting (RRP) Rule, HUD's Lead Safe Housing Rule, and the EPA-HUD Lead Disclosure Rule.

1. Purpose.

This Notice provides guidance to public housing agencies (PHAs) and Housing Choice Voucher (HCV) property owners and summarizes the regulations pertaining to lead-based paint under the Environmental Protection Agency's (EPA's) Renovation, Repair and Painting (RRP) Rule at 40 CFR Part 745, and HUD's regulations at 24 CFR Part 35, commonly known as the Lead Safe Housing Rule (LSHR) and the Lead Disclosure Rule (LDR). It also includes a description of EPA enforcement and fines, and provides PHAs with examples of possible compliance issues that PHAs should work to avoid. Additionally, PHAs must incorporate ongoing lead-based paint maintenance and reevaluation activities into regular building operations.

This Notice will remain effective until, amended, superseded or rescinded.

2. HUD Directives and Applicable Regulations.

Lead poisoning remains a major environmental health problem in the United States. Lead poisoning is a health hazard that can have life-long effects on the health of adults and children, especially young children under six. Although the overall incidence of lead poisoning has decreased since the banning of lead-based paint, and leaded gasoline, lead poisoning has been linked to neurological development issues, including cognitive deficits (e.g., lowered IQ).

HUD is committed to eliminating and controlling lead hazards in its properties, as well as using HUD assistance to improve health outcomes. HUD is issuing this Notice to assist PHAs in complying with HUD and EPA's regulations on lead-based paint and controlling lead-based paint hazards.

3. Existing Federal Regulations.

The LSHR is the primary regulation of lead-based paint related activity for assisted housing. The Office of Public and Indian Housing (PIH) and the Office of Healthy Homes and Lead Hazard Control (OHHLHC) have issued detailed guidance on the LSHR to HUD staff and clients and a toolkit for the Housing Choice voucher program, which can be found at <http://www.hud.gov/offices/adm/hudclips/guidebooks/PIH-2007-101/index.cfm>. The guidance clearly delineates the responsibilities of the PHA for both the Housing Choice Voucher program and the public housing program and should be read by both programs.

For the LSHR, in the public housing program, the PHA is considered the owner. The PHA is usually responsible for ensuring the landlords comply with the Housing Choice Voucher lead requirements, which are not the same as the requirements for the Housing Authority.

In addition to the LSHR, PHAs are required to comply with the LDR. The LDR applies to federally-assisted and private housing built before 1978, with certain exceptions. Under the LDR, the owner of a property is required to inform tenants about the hazard of lead-based paint (Lead Warning Statement), and make a disclosure statement that advises the tenant of the presence of any known lead-based paint and or lead-based paint hazards, in the unit, common areas servicing the unit, and exterior areas. Alternatively, the disclosure must indicate that the owner has no knowledge of the presence of any lead-based paint and/or lead-based paint hazards.

The statement must also list any records or reports available to the owner, and verification that the records or reports have been made available to the tenant. The owner of a property must also provide to the occupants an EPA approved brochure titled "Protect Your Family from Lead in Your Home." For the HCV program, the PHA is required to take specific steps to ensure that the owner abides by the LDR.

PIH encourages PHAs and HUD staff to familiarize themselves with the guidance, which is still relevant.

In addition to the LSHR, EPA has issued final regulations for renovation of pre-1978 housing. Under the RRP Rule at 40 CFR Part 745 contractors and maintenance/rehab staff from housing agencies that perform renovation, repair, and painting projects that disturb paint in homes and child occupied facilities built before 1978 must be certified as renovators and must follow specific work practices to prevent lead contamination. Practices include proper preparation of the site, providing proper notice of work, practices to control dust, paint and other hazards, and disposal of materials. Online training on EPA's RRP Rule's impact on HUD funded lead-based paint activities is available at <http://webcast.hud.gov/508/index.php?search=lead#>.

If a PHA uses its own staff to perform repairs, maintenance, and rehabilitation of pre-1978 housing that has not been certified as lead-free (referred to as renovation, repair, and painting projects by EPA), the staff must obtain training and apply to EPA to become a certified renovation firm. A subject agency must also ensure that it has at least one certified renovator on staff to be available to actively supervise projects. Individuals can become certified renovators as well by taking an eight hour training course from an EPA approved provider, or a four hour refresher course if they have already taken training in Lead Safe Work Practices within the last five years. Training may be available from local trade associations; however information about certification requirements and available training providers is available at www.epa.gov/lead/pubs/renovation.htm.

PHAs should continue to comply with the LSHR and LDR in addition to the RRP Rule. While there is an overlap in the requirements, the LSHR is generally more stringent than the EPA requirements for paint testing, worker certification, worksite clearance, and management of units where a child with lead poisoning has been identified. Whenever more than one federal rule applies, the most protective section applies. Additionally, if state, tribal or local law, ordinance, code, or regulation defines lead-based paint differently than the Federal definition, the more protective definition must be followed in that jurisdiction. Some states operate their own program for training and certification under the RRP rule. Contractors and training providers working in those states must contact the state to find out more about training and certification requirements. A list of those states can be found at <http://www.epa.gov/lead/pubs/renovation.htm#authorized>, or by contacting your local EPA office.

A comparison of HUD's and EPA's regulations for lead based paint requirements can be found in the EPA/HUD Model Renovator Training Course, Appendix 2, available at www.epa.gov/lead/pubs/rrp_8hr_app2_feb09.pdf.

4. EPA Enforcement and Fines.

In August, 2010, EPA issued its final "Consolidated Enforcement Response and Penalty Policy for the Pre-Renovation Education Rule; Renovation, Repair and Painting Rule; and Lead-Based Paint Activities Rule". Under this policy, EPA can collect up to \$37,500 per violation. EPA enforcement cases under its lead-based paint regulations may include multiple violations, especially in multi-family properties where violations are assessed on a per-unit basis. For more information, see EPA's policy at <http://cfpub.epa.gov/compliance/resources/policies/civil/penalty/>.

If EPA requests a record inspection for the RRP rule, contact your counsel for the PHA (in-house or outside counsel) regarding the request. OHHLHC will provide technical support for RRP inquiries. EPA inspections are voluntary; however EPA can issue a subpoena to compel record disclosure.

Attachment 1 is a checklist to assist in compliance, and includes the types of documentation that a PHA may be asked to produce during an EPA inspection.

Pursuant to a Memorandum of Understanding between HUD and EPA, if EPA visits a HUD-assisted property to investigate for compliance with the Lead Disclosure Rule, you should notify the investigator that this is a HUD-assisted property and should refer the investigator to the Office of Healthy Homes and Lead Hazard Control for further investigation and resolution. (See page 10 of the February 22, 2008 memorandum on "PIH Guidance on the Lead-Safe Housing

Rule and Lead Disclosure Rule for Field Office Staff' at www.hud.gov/offices/adm/hudclips/guidebooks/PIH-2007-101/index.cfm). For more information, you may contact the Director of the Lead Programs Enforcement Division. For current contact information, see http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/leadstaff.

5. Compliance Requirements and Additional Resources.

PIH has appointed two coordinators at Headquarters on lead-based paint issues for PHAs. Contact Nora McArdle at Nora.C.McArdle@hud.gov or (202) 402-3967, or Tobey Zimmer at Tobey.J.Zimmer@hud.gov or (202) 402-6230.

All PHAs should have already completed the lead-based paint inspections of public housing properties. Risk assessments should have been performed if the inspections found lead-based paint. If a PHA has not performed lead-based paint inspections of its units, it should immediately take steps to do so.

By this Notice, all PHAs must identify and accumulate all lead-based paint records pertaining to their properties. A PHA may keep the original records either at a project management office, or a central office, or archived off-site; however a detailed summary of the records and a record of their current physical location should be available at both the project office and a central management office. This summary must be provided to the local HUD field office upon request. In addition, the PHA must make a copy of the full reports and records available to be inspected by tenants, and advise tenants as to when they can inspect the full reports and records.

In addition, HUD encourages PHAs to keep both a hard and soft/electronic copy of the records. Copies should be made by photocopying, scanning, or otherwise creating unalterable copies of the original records. Original records should be kept in a secure place for compliance purposes.

If previous inspections or risk assessments were performed, this information should be scrutinized to determine if the housing is still in compliance with the LSHR. If these evaluations were completed before 1999, additional work may have to be done to comply. For example, in public housing, a paint inspection and abatement is required with comprehensive modernization, but not all housing units may have been modernized since the Rule was finalized in 1999. Because lead hazards can change over time with the degradation of paint, if lead-based paint had been previously found in a unit, in advance of modernization, the PHA must complete a risk assessment, and implement interim controls if hazards are found. Lead risk assessments may be no older than 12 months to be current. Abatement work should be completed during modernization. Once the work is completed, the PHA must perform clearance procedures, and must incorporate ongoing lead-based paint maintenance and reevaluation activities into regular building operations if any lead-based paint remains on the property. See 24 CFR 35.1115, 34.1120, and 35.1355.

Any claim that properties are lead-free must be appropriately documented in accordance with Chapter 7 of the HUD Guidelines for the Evaluation and Control of Lead-Based Paint at www.hud.gov/offices/lead/lbp/hudguidelines/index.cfm.

6. Possible Compliance Issues in Public Housing

PHAs should take care to ensure compliance with the HUD/EPA Lead Disclosure Rule, the HUD Lead Safe Housing Rule and the EPA Renovation, Repair and Painting Rule. Some examples of possible compliance issues include:

- Under the Lead Disclosure Rule, landlords, including PHAs, are required to provide their tenants with a brochure detailing the effects of lead-based poisoning, and disclose all known lead hazards at the property. The brochure was updated in 2010. Brochures created before the update should be destroyed. A copy of the latest version of the pamphlet, the EPA's "Protect Your Family from Lead in Your Home" as well as required specific disclosure language and documentation that supersedes Handbook 7487.1 is available at www.hud.gov/offices/lead/enforcement/disclosure.cfm.
- PHAs must take steps to ensure that landlords participating in the Housing Choice Voucher program maintain lead paint disclosure records and disclose all known information about lead paint in units and common areas where testing and lead hazard control work has been performed. PHAs must also maintain all records regarding lead paint and make them available to residents as part of the disclosure process, as well as keeping records of the disclosure process for three years.
- If a unit is found to be out of compliance with HQS because of a lead paint inspection prior to occupancy by a child under 6 or due to a risk assessment of the unit because a child living in the unit was reported to have an environmental blood lead level, the unit is not in compliance with HQS until the lead hazard is cleared. This is true whether a child will be living in the unit or not. PHAs are encouraged to maintain records of all such units so that they are not approved for occupancy with a HCV until the unit is cleared.
- Under the Lead Safe Housing Rule, PHAs must ensure that all lead based paint testing and lead abatement/hazard control has been completed in compliance with the regulations. A summary of requirements by the type of program can be found at www.hud.gov/offices/lead/enforcement/lshr_summary.cfm. Requirements for Public Housing are found in 24 CFR Part 35 Subpart L and requirements for Housing Choice Voucher program units are found in 24 CFR Part 35 Subpart M for tenant-based rental assistance.
- PHAs must provide the local health department an updated list of unit addresses receiving assistance under a tenant based rental assistance program on a quarterly basis, as described under 24 CFR 35.1225(f). This data sharing helps ensure that children living in HUD-assisted housing who are lead-poisoned are quickly identified to prevent additional harm.
- The PHA must notify the Health Department within five days if it learns of a lead-poisoned child based on a report from any other medical health care professional (24 CFR 35.1130). PHAs must take appropriate steps to determine the source of the lead

and take corrective actions if the housing unit or common areas are the source and inform HUD project managers if a child has an environmental intervention blood lead level (24 CFR 1130).

- PHAs cannot exclude families with young children from participating in housing programs because of the lead-based paint requirements, or require parents to provide information about child blood lead levels before offering housing. Policies of this type are a violation of the Fair Housing Act and medical privacy standards.
- There are some differences between the RRP and the Lead Safe Housing Rule. The attached checklist will assist you in complying with both laws.

7. For Further Information.

Contact Nora McArdle at Nora.C.McArdle@hud.gov or (202) 402-3967, Office of Policy, Program and Legislative Initiatives, Tara Radosevich, Office of Public Housing (612)-370-3000 or Tara.J.Radosevich@hud.gov, or the Office of Healthy Homes and Lead Hazard Control, Lead Programs Enforcement Division, Room 8236, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410 or LEAD.Enforcement@hud.gov.

/s/

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

Jon L. Gant, Director, Office of Healthy Homes and Lead
Hazard Control

Attachment 1.

Public Housing RRP Review Checklist:

Housing Agency Name: _____	Yes	No
Does the PHA have any pre-1978 properties?	☐	☐
Are any properties (1) designated Elderly Disabled and (2) do not have, or expect to have, a child under the age of 6?	☐	☐
Does the PHA have Child Care facilities on any properties?	☐	☐
Has the PHA completed Lead-Based Paint inspections of all properties?	☐	☐
Does the PHA have property inventories of where any lead-based paint exists?	☐	☐
Does the PHA know which surfaces for each property have lead-based paint?	☐	☐
If all PHA properties are documented to be lead-based paint free or exempt, stop.		
Does the PHA staff perform maintenance in pre-1978 properties with lead-based paint?	☐	☐
If Yes,		
Is the PHA an EPA Certified Firm?	☐	☐
Does the PHA have at least one Certified Renovator?	☐	☐
Are training records available?	☐	☐
Have other staff been trained by the Certified Renovator?	☐	☐
Does the PHA have copies of the EPA's lead hazard information pamphlet <i>Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools</i> ?	☐	☐
Does the PHA have tenants sign RRP notification forms and maintain documentation for at least 3-years?	☐	☐
Does the PHA hire outside contractors to perform any maintenance or rehabilitation work	☐	☐
If Yes,		
Do PHA contracting documents require that contractors be EPA certified?	☐	☐
Does the PHA receive notification from contractors and keep the notification for at least 3-years?	☐	☐

Regardless of who does the work, the Lead Safe Housing Rule (LSHR) will require clearance using the wipe test procedure and tenant notification. Both RRP and LSHR require proper documentation. See the following pages for additional information.

Work Order/ Maintenance File Review:

	Yes	No
Does the PHA have a work order tracking system?	☐	☐
Do work orders indicate whether the RRP applies or does not apply?	☐	☐
Has the PHA established which classifications of work would and		

would not be subject to the requirements of the RRP?	☐	☐
Are work order records impacted by the RRP maintained		
for at least three years?	☐	☐
Are PHA records maintained for units found to not meet HQS due to a LBP		
visual assessment until the unit is cleared, in order to ensure that		
no HCV holder occupies the unit?	☐	☐

SECTION 3: Addressing Lead-Based Paint in Section 8 Housing

Notes

HUD Information Sheet – Indoor Air Quality

Indoor Air Quality

Should You Be Concerned?

Most people spend at least half of their lives inside their homes. The air inside can be more harmful to your family's health than the air outdoors. Is the air in your home safe to breathe?

It is not always easy to tell if your home has poor air quality. You may notice bad smells or see smoke, but you cannot see or smell other dangers, like carbon monoxide or radon.

The air in your home can be unhealthy if it has too many pollutants in it. To cut down on indoor air pollution, learn where it comes from. Take good care of your home to keep it healthy!

Children can spend up to 90% of their time indoors. For their size, children breathe up to twice as much air as adults. That means children are at greater risk for health problems that come from indoor air pollution.

Asthma and Allergies

If someone in your home has health problems or is ill, polluted indoor air can make them feel worse. For example, asthma is a lung disease that affects a growing number of children. Indoor air pollution can make it worse. Insects and other pests can also be a real problem for people with asthma or allergies. For example, cockroach and dust mite droppings cause asthma attacks in some people. Pesticides can help fight these pests but they can be dangerous.

Mold

Mold grows in wet or damp places. It often smells musty. Many people are allergic to mold. Some kinds of mold are toxic, and coming into contact with large amounts of mold may cause health problems. Talk to a doctor if you think mold is causing health problems for you or your family.

Carbon Monoxide

Carbon monoxide is a deadly gas that can come from appliances that burn gas, oil, coal, or wood, and are not working as they should. Car exhaust also has carbon monoxide. You cannot see, taste or smell carbon monoxide.

Other Indoor Air Problems

Radon is another gas. It can get into some homes from the ground below them. You cannot see, taste, or smell radon. Radon is found all over the United States. Radon can cause lung cancer. In fact, it is the second leading cause of lung cancer in the U.S. If you smoke and your home has high levels of radon, your risk of lung cancer is especially high.

Indoor Air Quality

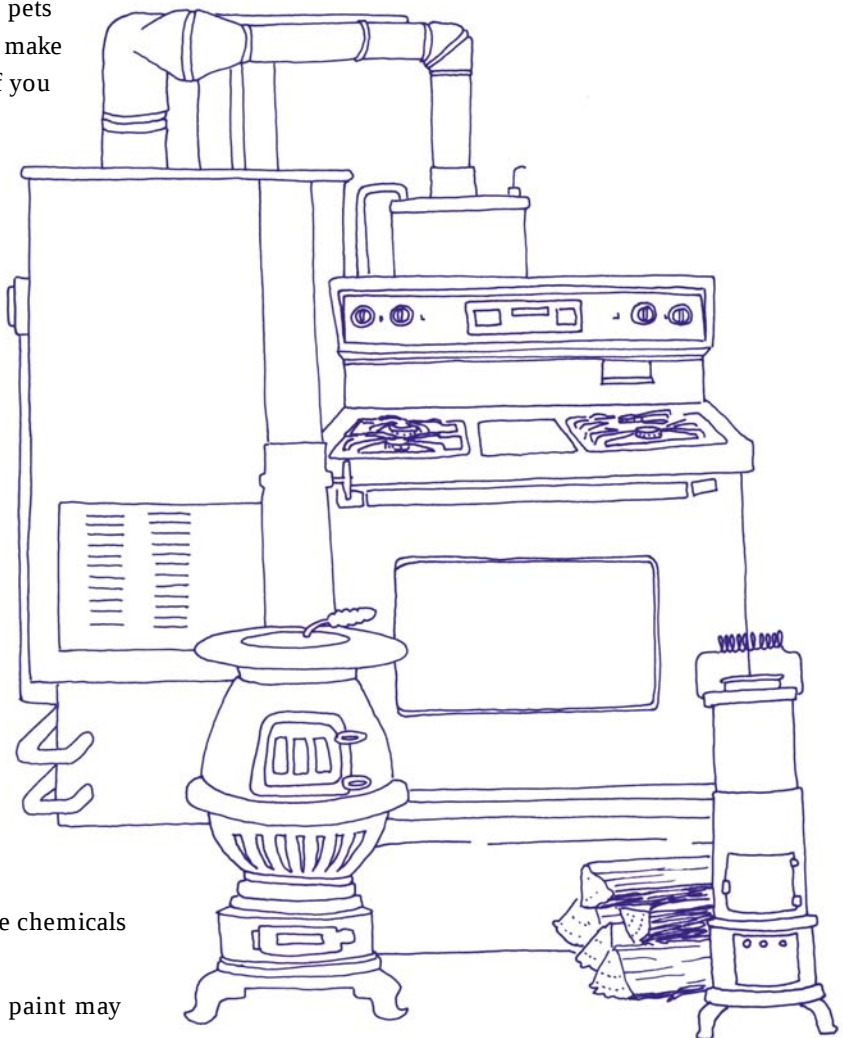
Sometimes indoor air pollution comes from what people do in their home.

- Tobacco smoking causes cancer and other major health problems. It's unsafe for children to be around smokers. *Second-hand* or *environmental tobacco smoke* can raise children's risk of ear infections and breathing problems. It can trigger asthma attacks, too.
- Many families have pets. However, furry pets cause problems for some people. Pets can make asthma and allergies act up, especially if you keep them in sleeping areas.
- Hobbies and home projects sometimes involve sanding, painting, welding, or using *solvent chemicals*, like varnish or paint strippers. (A solvent is a chemical that can dissolve something else. Solvents are usually liquid.) Home projects can pollute the air with dust or harmful chemicals.

Sometimes indoor air pollution comes from what people have in their homes.

- Some household products, especially those with solvents, can pollute the air if you don't use them in the right way.
- New furniture, carpets, and building products may give off chemicals that were used in their making. Some of these chemicals can harm people, especially children.
- If your home was built before 1978, the paint may have lead in it. Lead is very dangerous for young children.

There are simple, but important steps you can take to find out what is causing poor air quality. The questions on the next page can help you find problems around your home.



Combustion appliances are one possible source of air pollution.

Indoor Air Quality

Questions to Ask

Your Family's Health

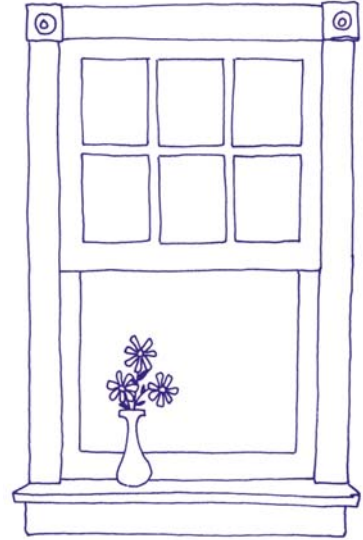
- Does anyone in your family have asthma or allergies?
- Does a family member notice burning eyes, coughing, or sneezing that happens most often while at home?
- Does anyone in your home have chronic bronchitis or another lung disease?



- Do you open windows or turn on fans when doing hobbies or projects that make dust or odors?

- Do you try to do dusty or smelly projects outdoors?

- Do you choose furniture, carpet, and building products that are made with non-toxic chemicals and materials? These are sometimes called *green building products*.



Radon

- Have you ever tested your home for radon?
- Do any of your neighbors have problems with radon gas? If so, you might also have a radon problem.

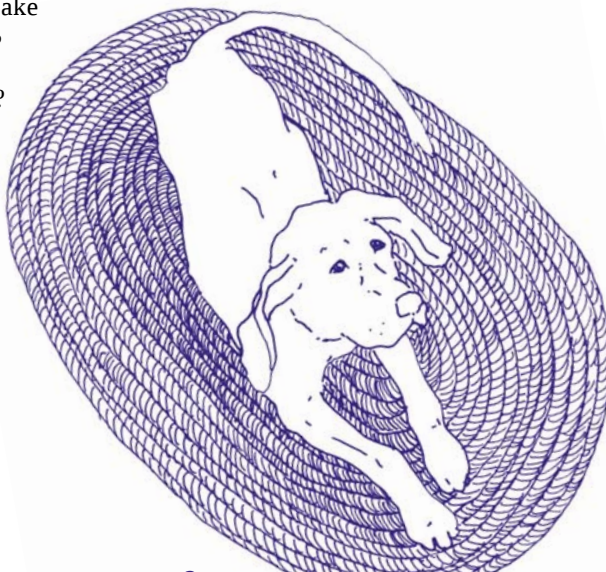
Living in a Healthy Home

- Do some areas in your home smell damp or musty?
- Have you seen cockroaches in your home?
- Do you know how to safely run and take care of your fuel-burning appliances?
- Do you allow smoking in your home?
- Do you have furry pets in your home? In the bedrooms?
- Do you read the label on household products, and follow the directions for using them safely?

- Does your home ever smell musty, damp, smoky, or like chemicals?

- Does your home seem stuffy or stale? Can you smell cooking odors the next day?

- Do your bathroom and kitchen have exhaust fans—do you use them?



Indoor Air Quality

ACTION STEPS

Test Your Home for Radon

You can buy low cost radon test kits at hardware or home supply stores. Or call your local or state health department for more information.

Living in a Healthy Home

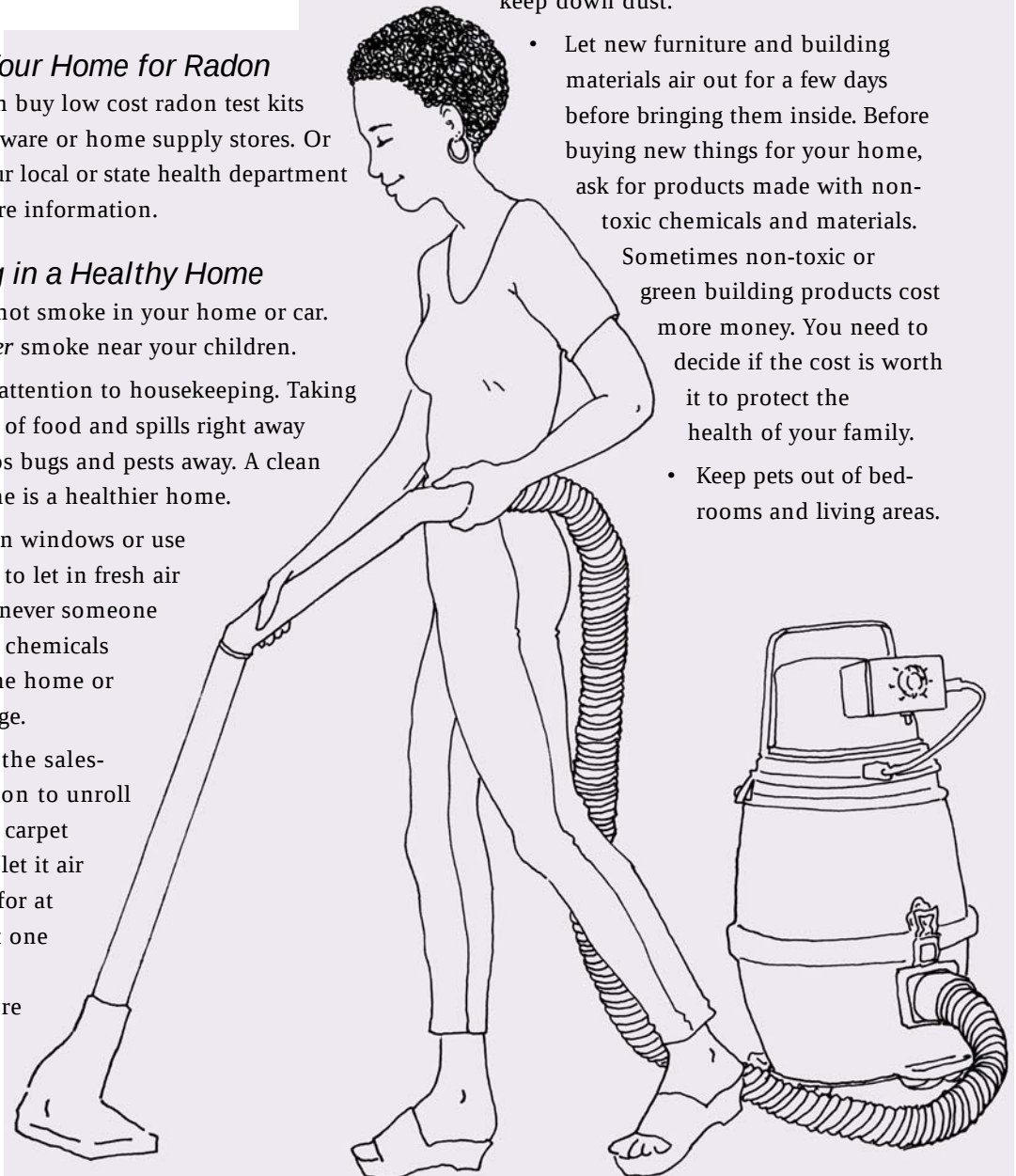
- Do not smoke in your home or car. *Never* smoke near your children.
- Pay attention to housekeeping. Taking care of food and spills right away keeps bugs and pests away. A clean home is a healthier home.
- Open windows or use fans to let in fresh air whenever someone uses chemicals in the home or garage.
- Ask the salesperson to unroll new carpet and let it air out for at least one day before

bringing it into your home. Put in carpet during a season when you can open windows for several days afterwards. Vacuum old carpet well before you remove it to keep down dust.

- Let new furniture and building materials air out for a few days before bringing them inside. Before buying new things for your home, ask for products made with non-toxic chemicals and materials.

Sometimes non-toxic or green building products cost more money. You need to decide if the cost is worth it to protect the health of your family.

- Keep pets out of bedrooms and living areas.

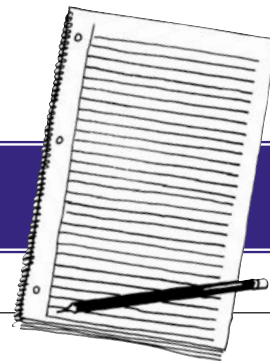


Indoor Air Quality

When In Doubt, Check It Out!

- US Environmental Protection Agency Indoor Air Quality Home Page—www.epa.gov/iaq
- Indoor Air Quality Information Clearinghouse (IAQ INFO) 800/438-4318 (Monday to Friday, 9:00 a.m. - 5:00 p.m. Eastern Time) or email: iaqinfo@aol.com
- National Radon Information Hotline 800/SOS RADON (800/767-7236)
- The National Consumer Federation's Radon Website—www.radonfixit.org
- National Lead Information Center 800/LEAD INFO (800/532-3394)
- National Hispanic Indoor Air Quality Hotline 800/SALUD-12 (800/725-8312), Monday to Friday, 9:00 a.m. - 6:00 p.m. Eastern Time
- American Lung Association. Contact your local organization, call 800/LUNG-USA (800/586-4872) or visit the web at www.lungusa.org
- Contact Healthy Indoor Air for America's Homes at 406/994-3451 or www.healthyindoorair.org
- For information on green building materials, contact The Healthy House Institute at www.hhinst.com or 812/332-5073
- *Home*A*Syst*: An Environmental Risk Assessment Guide for the Home contains information about indoor air quality and other healthy home topics. 608/262-0024 or www.uwex.edu/homeasyst

Notes



HUD Information Sheet – Carbon Monoxide

Carbon Monoxide

Should You Be Concerned?

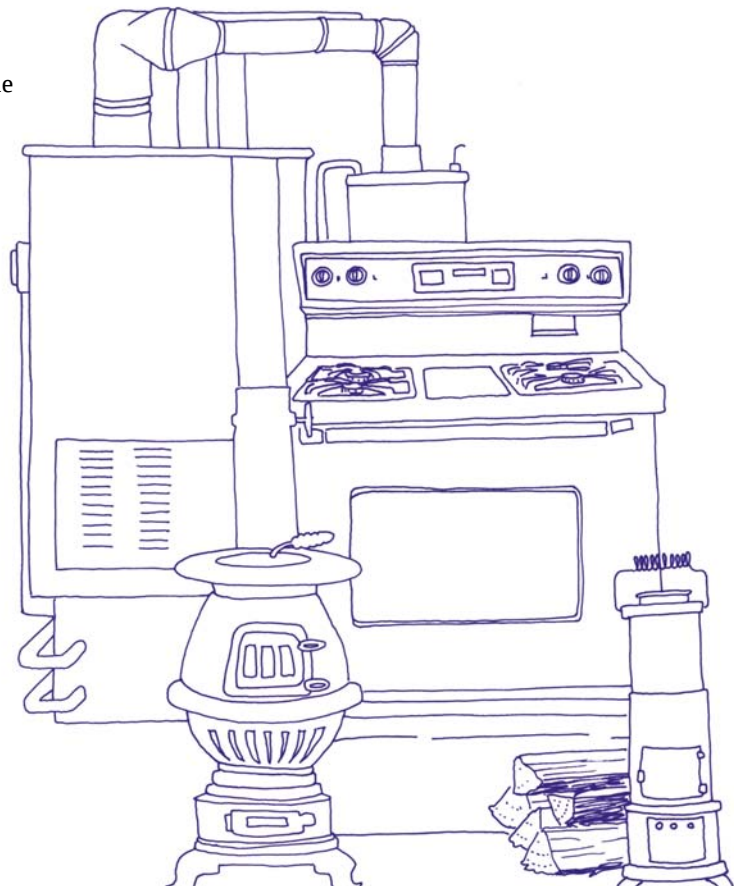
You can't see, taste, feel, or smell carbon monoxide (CO). However, this deadly gas can make you very sick or even kill you. Over 5,000 people in the United States die every year after breathing too much CO. The signs of CO poisoning seem like the flu. Many people don't even know they've been breathing in CO. People who survive can suffer brain damage, lose their sight or hearing, or have heart problems. It is a major threat to your family's health. The good news is that you can prevent CO poisoning. This section will help you ask the right questions to find out if the air in your home is safe and healthy.

There can be so much CO in a burning building that breathing smoke for as little as one minute can kill you. Lower levels, such as from smoking, do not kill right away. They can cause many other health problems though. Children, unborn babies, people with asthma, older adults, or people with heart or lung problems are more likely to get hurt from breathing CO. But remember, CO harms even healthy people.

Where Does CO Come From?

Fuel-burning appliances use gas, oil, or wood to produce heat. If they are not working right, they can make CO. Most gas appliances that have been put in and taken care of properly are safe and make very little CO. Electric appliances do not burn fuel and so make no CO. Common sources of CO include:

- Gas and kerosene space heaters
 - Gas and charcoal grills
 - Cars, trucks, campers, tractors, and other vehicles
 - Gasoline and liquid propane (LP)-powered small equipment, including lawn mowers, snow blowers, chainsaws, pressure washers, and electric generators
 - Recreational vehicles, including boat motors, all terrain vehicles (ATVs), ski-boats, and generators in campers and houseboats
 - Tobacco smoke
 - House fires
 - Blocked chimneys and flues
- Gas and oil furnaces, boilers, and water heaters
 - Wood-burning fireplaces and stoves
 - Gas appliances like ovens, stoves, or dryers



Carbon Monoxide

Breathing in low levels of CO can hurt your brain, heart, or other parts of your body. At high levels, the brain is so short of oxygen that you cannot think clearly. You lose control of your muscles and may be unable to move to safety. High-level CO poisoning can cause loss of consciousness, coma, and death.

There are simple but important steps to take to find out if your family is at risk for CO poisoning. The questions on the following page will help you do that.

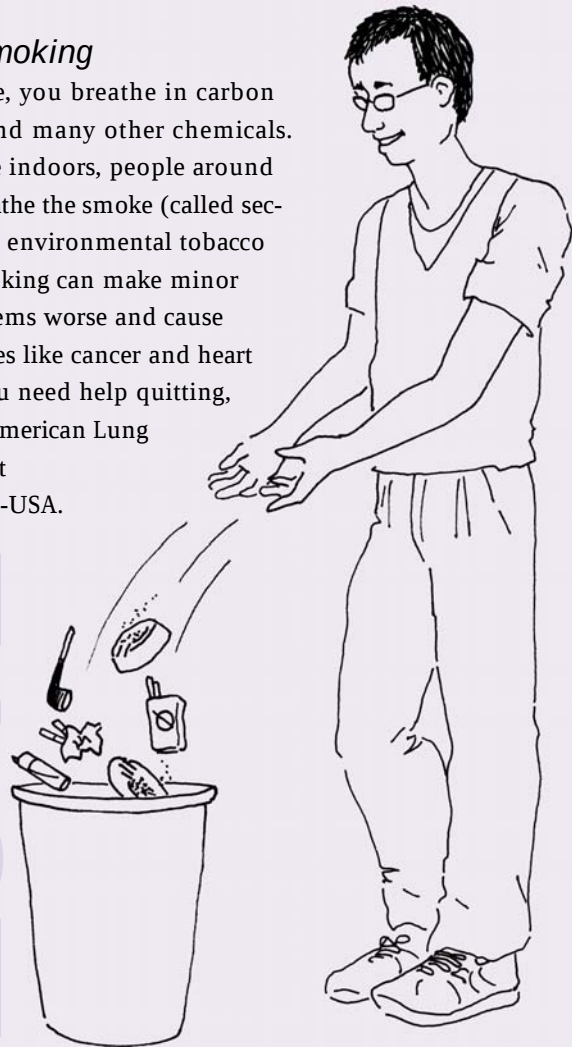
What are the Signs of CO Poisoning?

People often think CO poisoning is the flu. That's because it can feel like the flu. Signs of low-level CO poisoning may include:

- Headache
- Nausea
- Vomiting
- Dizziness
- Confusion
- Tiredness
- Weakness
- Sleepiness
- Tightness in the chest
- Trouble breathing

CO and Smoking

If you smoke, you breathe in carbon monoxide and many other chemicals. If you smoke indoors, people around you also breathe the smoke (called second-hand or environmental tobacco smoke). Smoking can make minor health problems worse and cause major diseases like cancer and heart disease. If you need help quitting, contact the American Lung Association at 1-800-LUNG-USA.



Carbon Monoxide

Questions to Ask

- Do you sometimes use charcoal grills or small gasoline engines inside your home, garage, or closed-in porch?
- Do you have an attached garage?
- Do you sometimes warm up your car inside the garage?
- Has it been more than one year since you or your landlord had your furnace, fireplace, wood stove, or chimney inspected or cleaned?
- Do you ever use a gas or kerosene space heater or a vent-free gas fireplace?
- Does your home have a carbon monoxide alarm?
- Do you ever use the kitchen stove or oven to heat your home?
- Do you sometimes forget to turn on the kitchen exhaust fan when using the oven?
- Do some of the burners on the kitchen stove burn yellow or orange?*
- Does smoke from the fireplace sometimes come back into the room?
- Are your appliances and furnace in good shape?
- Are the vent pipes for your furnace, boiler, or water heater rusty or falling apart?*
- Do you have a gas water heater that does not have a vent?*
- Is there rust, soot, or dirt on your furnace, boiler, or water heater?*
- Is your furnace or boiler over ten years old?*

- Have you weather-stripped doors and windows or insulated your home?*
- Have you closed off vent or combustion air openings?*

* See the Safety Checklist following



Carbon Monoxide

ACTION STEPS

- *Never* use charcoal grills or run engines inside your home, garage, or basement even for a short time. Charcoal grills and small gasoline engines make a lot of carbon monoxide. Even opening all the windows and doors will not give you enough fresh air to prevent CO poisoning.
- *Never* warm up a vehicle inside the garage. Warming up your car, truck, or motorcycle on a cold day for just a couple of minutes (even with the garage door open) can make enough CO to make you sick. Start lawnmowers, snow blowers, and other yard equipment outdoors.
- Have a heating contractor check your furnace, chimneys, and other sources of CO every fall to make sure everything is okay. (You can find one in the telephone book.) Make sure they use a tool that measures CO. To get harmful gases out of a home, many heating appliances have chimneys. (Chimneys on gas appliances are called vents). The chimney carries CO and other gases from the appliance outdoors. If your appliances and vents are working right there should be little CO. If you rent, ask your landlord to have the heating system checked.
- Make sure chimneys are in good shape—clean and working right. Have your chimney, wood-burning fireplace, or wood stove swept every year. Burning wood nearly always makes a lot of CO. It is very important that all the smoke goes out the chimney.
- If you use unvented kerosene or gas heaters OR a vent-free gas fireplace, follow instructions carefully and open a window for fresh air. Do not use them while sleeping.

Safety Checklist



- Turn off an appliance or heater that starts making different noises, smells funny, starts sooting, has a different-looking flame, or does not seem to be working right. Call a heating contractor for repairs.
- Read and follow the instructions that came with your appliance or unvented gas heater.
- Provide good ventilation for all heating appliances.
- Keep all wood, paper, cloth, and furniture away from heating appliances.
- Don't block an appliance's air openings.
- Have all appliances checked every year by a qualified heating contractor.
- Ask the contractor to check for carbon monoxide and look at the vent (chimney) system.
- If you insulate and weather-strip your home, call a heating contractor to make sure there is still enough ventilation.
- If you smell gas or if the smoke detector or the carbon monoxide alarm goes off, leave the building right away and call 9-1-1.

Carbon Monoxide

ACTION STEPS_{continued}

- Put carbon monoxide alarms near each sleeping area and on each floor of your home. (Older models are called carbon monoxide detectors.) You can find them at your local hardware, discount, outlet, or building supply store for \$20 to \$50.
- Never use the kitchen stove or oven to heat your home.
- Always turn on the kitchen exhaust fan when using the oven.
- Have the kitchen stove fixed before using it if the flames burn orange or yellow.
- Don't use a smoking fireplace until you fix the problem.
- Call 9-1-1 or your local emergency number from a phone outside your home.
- See a doctor or nurse right away. See a doctor or nurse even if you feel better after breathing fresh air. They can check your blood and breath for CO and tell if you need more medical care.
- Treat all alarm soundings as an emergency. Never ignore an alarm sounding!
- Have your home checked out by a qualified heating contractor. You can find one in the telephone book.
- Don't go back home until all problems have been fixed.

Carbon Monoxide Alarms

Carbon monoxide (CO) alarms will help protect you and your family from sickness or death. A good alarm will make a loud noise when CO levels become too high. There are plug-in and battery operated alarms. Look on the package to make sure the alarm is okayed by a qualified testing laboratory, such as Underwriters Laboratory (UL). Check the batteries on a battery-operated alarm every six months. Every home should have at least one alarm. It's best to put one near each sleeping area and on each level of the home. Carbon monoxide alarms do not take the place of checking and taking good care of your home's furnace, fireplace, or space heaters.

If someone in your family shows signs of CO poisoning or if a CO alarm goes off:

- Get outside right away.



Carbon Monoxide

When In Doubt, Check It Out!

- Your local county Extension Office
—look in your telephone book
- Your local or state health department
—look in your telephone book
- Iowa State University Cooperative Extension
—www.extension.iastate.edu/pages/co/co1.html
- The Consumer Products Safety Commission
800/638-2772—www.cpsc.gov/cpscpub/pubs/466.html
- The American Lung Association, 800/LUNG-USA
—www.lungusa.org/air/carbon_facstsheet99.html
- Healthy Indoor Air for America's Homes
406/994-3451—www.montana.edu/wwwcxair/

Notes



CHAPTER 10 Monitoring Housing Quality

Learning Outcomes

Upon completion of this chapter, you should be able to:

- Recognize and apply the Section Eight Management Assessment Program (SEMAP) indicators that apply to the HQS function
- Gather data and utilize forms to meet documentation requirements
- Recognize the advantages of using GoSection8 in making rent reasonableness determinations
- Set up a system to monitor housing quality and assess your housing quality program

SECTION 1 SEMAP PERFORMANCE INDICATORS FOR HQS

The Section Eight Management Assessment Program (SEMAP) was created to:

- Objectively measure the PHA's performance in key areas
- Identify management capabilities and deficiencies
- Improve HUD's risk assessment for each problem identified
- Provide a self-assessment tool for PHAs

The SEMAP regulation was published as a final rule on 9/10/98, with an effective date of 10/13/98.

Five of the 14 SEMAP indicators relate directly to the HQS function at PHAs:

- Indicator 2. Rent Reasonableness
- Indicator 5. HQS Quality Control Inspections
- Indicator 6. HQS Enforcement
- Indicator 11. Pre-Contract HQS Inspections
- Indicator 12. Annual HQS Inspections

SEMAP Indicator #2: Rent Reasonableness Requirements

The PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units at the time of initial leasing, if there is any increase in the rent to owner, and at the HAP contract anniversary if there is a 10 percent decrease in the published FMR in effect 60 days before the HAP contract anniversary.

*24 CFR 982.4,
982.54(d)(15), and 982.503*

The PHA's system takes into consideration the location, size, type, quality, and age of the unit to be leased and the amenities, housing services, and maintenance and utilities provided by the owner under the lease in determining comparability and the reasonable rent.

SECTION 1: SEMAP Performance Indicators for HQS

Rating

Latest audit report states that:

- The PHA has a reasonable written method to determine reasonable rent in its admin plan; and
- Based on a random sample of tenant files, the PHA documents for at least 98 percent of units, at the time of initial leasing, if there is any increase in the rent to owner, and at the HAP contract anniversary if there is a 10 percent decrease in the FMR, that the rent to owner is reasonable based on current rents for comparable unassisted units.

Points:

- 20 points Yes to both statements
- 15 points Latest audit report includes the statement above, except that the PHA documents that the rent to owner is reasonable for only 80 to 97% of units.
- 0 points Latest audit report does not support either statement.

The number of tenant files to be randomly selected for audit is as follows:

Number of Families Assisted	Number of Files to be Selected
50 or less	5
51-600	5 plus 1 for each 50 (or part of 50) over 50
601-2000	16 plus 1 for each 100 (or part of 100) over 600
Over 2000	16 plus 14 = 30 30 plus 1 for each 200 (or part of 200) over 2000

The score is based on the numbers of families the PHA assisted during the fiscal year.

- Example: PHA assisted 800 families in FY

Minimum # of files to audit?

18 files

meeting criteria for 20 points?

17.64 (18)

meeting criteria for 15 points?

14.4 (14)

SECTION 1: SEMAP Performance Indicators for HQS

Data Gathering Process and Forms

Documentation Requirements

Initial leasing

Increase in rent to owner

HAP Contract anniversary if FMR decrease by 10 percent in published FMR

The PHA must have a reasonable written method to determine for each unit leased:

- That the rent to owner is reasonable based on current rents for comparable unassisted units at the time of initial leasing;
- If there is any increase in the rent to owner;
- At the HAP contract anniversary if there is a 10 percent decrease in the published FMR 60 days before the HAP contract anniversary

The PHA must describe the methodology for rent reasonableness determinations for new leases, for contract rent increases, and for rent decreases if the FMR has decreased by 10 percent from last year's FMR.

Administrative plan contains written methodology for performing rent reasonableness:

- ☐ Yes ☐ No

The PHA must then document that the methodology described in the administrative plan was in fact used to determine whether rents to owner were reasonable in relation to comparable units.

The PHA must do this for:

- Each new lease executed during the applicable time frame
- Each rent increase approved during the applicable time frame
- If the FMR decreased by 10 percent, for all other rent adjustments approved during the applicable time frame.

SECTION 1: SEMAP Performance Indicators for HQS

Rent Reasonableness Documentation Procedure

Determine time period to be analyzed (suggest previous 12 months)

Pull sampling of files:

- Initial lease-up
- Rent increase requests

Determine whether documentation in file is consistent with administrative plan.

Determine percent of files that contained proper documentation

- New leases
- Rent increases
- Other rent adjustments (if FMR decreased by 10 percent)

Family Name	Type of Action (Lease-up, Increase, Decrease)	Documentation (Y/N)

Introducing GoSection8

Determining rent reasonableness in the HCV program can be difficult and challenging due to the lack of clarity and definition of the function, as well as the time-consuming nature of the process. This creates a need for PHAs to have a rent reasonableness system that is easy to use, timely, and accurate with regard to market-based data.

A web-based service, such as GoSection8, can offer a unique solution to address these PHA needs.

SECTION 1: SEMAP Performance Indicators for HQS

The GOsection8 Service Solution

GoSection8 combines the following elements in the management of the rent reasonableness function for the HCV program:

- Rent Reasonableness Determinations and Certification
- Market Unit Comparables
- Property Listings

Using an automated hedonic valuation model to identify and compare the program subject unit to the most similar private market rental property units within a specific geographic radius, GoSection8 draws on a data base of non-subsidized comparables and current property listings.

GoSection8 displays lists of those units most comparable to the program subject unit, allowing the user to choose the appropriate number of comparables to use in the rent reasonableness determination. Once comparables are chosen, GoSection8 will automatically adjust for key market-based differences (e.g., size, amenities, utilities) between the program subject unit and the comparable units.

GoSection8 will also guide the user in making key judgments on the relative adjustments to make to comparable units. These adjustments, both automatic and user-initiated, ensure the closest possible fit between the program subject unit and comparable units that is as accurate as possible, and grounded in sound, objective, market-based data.

Once appropriate adjustments have been made and a rent reasonableness determination conducted, the user may print and file a variety of reports documenting the rent reasonableness process.

GoSection8 also doubles as a property listing service. Data is based on real-time market information supplied by landlords. This service not only provides comparable unit data for the rent reasonableness process, but also assists PHAs in providing listings of available market rentals to both HCV families and landlords, thereby improving landlord participation and expediting the lease-up process for voucher holders.

Data from the listings are used to collect information on HUD's rent reasonable factors, and the listings are also used as comparables in the rent reasonableness process.

SECTION 1: SEMAP Performance Indicators for HQS

Significant savings can be achieved using GoSection8, and the system also keeps track of the amount PHAs are able to save using the system.

Indicator 5. HQS Quality Control Inspections

Requirement

A PHA supervisor (or other qualified person) reinspects a sample of units during the PHA fiscal year.

The PHA supervisor's reinspected sample is drawn from recently completed HQS inspections and represents a cross section of neighborhoods and the work of a cross section of inspectors.

Minimum File Sample Size

Total Number of Files	Number of Files to be Selected
50 or less	5
51 - 600	5 + 1 for each 50 (or part of 50) over 50
601 - 2000	16 + 1 for each 100 (or part of 100) over 600
Over 2000	30 + 1 for each 200 (or part of 200) over 2000

Rating

Latest audit report states that the auditor has determined that the PHA performs HQS reinspections during the PHA FY under contract for quality control purposes.

The audit report also states that the reinspected sample was drawn from recently completed HQS inspections and was drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors.

Points:

- Yes = 5 points
- No = 0 points

SECTION 1: SEMAP Performance Indicators for HQS

Indicator 6. HQS Enforcement

Requirement

Following each HQS inspection of a unit under contract where the unit fails to meet HQS, any cited life-threatening HQS deficiencies are corrected within 24 hours and all other cited HQS deficiencies are corrected within 30 days or any PHA-approved extension.

- See Chapter 1 of this Master Book for the full definition of life-threatening deficiencies.

24 CFR 982.404

Or, if deficiencies are not corrected timely, the PHA stops (abates) HAPs or terminates the HAP contract, or, for family-caused defects, takes prompt and vigorous action to enforce the family obligations.

Rating

Latest audit report states that the review of a sample of files with failed inspections shows that, for all cases sampled, the PHA ensures correction of any cited life-threatening HQS deficiencies within 24 hours of the inspection; and

For at least 98 percent of cases sampled, all other HQS deficiencies were corrected within no more than 30 days or any PHA-approved extension; or

If any deficiencies were not corrected timely, the PHA stopped (abated) HAPs or took prompt and vigorous action to enforce family obligations.

Points:

- 10 points = Yes
- 0 points = Latest audit report does not support above

SECTION 1: SEMAP Performance Indicators for HQS

Indicator 11. Pre-contract HQS Inspections

Requirement

24 CFR 982.305

Newly leased units pass HQS inspection before the beginning date of the assisted lease and HAP contract.

Rating

Verified in IMS/PIC

Points:

- 5 points 98-99% units passed before HAP contract effective date
- 0 points < 98% passed before HAP contract effective

Indicator 12. Annual HQS Inspections

Requirement

The PHA inspects each unit under contract at least biennially.

Note: PHAs may conduct inspections biennially, annually, or a mix of both per PHA policy.

Rating

Verified in IMS/PIC

Points:

- 10 points < 5% HQS inspections late (i.e. > 2mos. overdue)
- 5 points 5-10% late
- 0 points > 10% late

SECTION 2 SETTING UP A SYSTEM TO MONITOR HOUSING QUALITY

The inspection supervisor is responsible for:

- Program design
- Program management
- Program evaluation

Inspection Types and Key Activities

	Initial Inspection	Annual Inspection	Complaint Inspection
Before Inspection	Briefing on: - Need for HQS - PHA Housing Quality Program - PHA Standards - Tenant/owner responsibilities; especially prescreening of units Use of visual support materials Schedule promptly	Scheduling timely to allow repairs for HQS compliance Inform tenant and owner of requirements	Prompted by perceived noncompliance Schedule rapidly
During Inspection	In place/not in place Opportunity to educate Establishes pre-existing condition	Document improvements Reinforce HQS	Potentially difficult tenant/owner interaction Need for diplomacy
After Inspection	Decision on Pass/Fail Notify tenant and owner Discuss subsequent actions with tenant and owner	Decision on Pass/Fail Notify tenant and owner; action options per chapter 10 of HUD's Voucher Program Guidebook 7420.10G.	Decision on Pass/Fail Notify tenant and owner; action options per chapter 10 of HUD's Voucher Program Guidebook 7420.10G.

Principles of Good Inspections

Ten Keys to Good Inspection Practice

Knowledgeability - Be thoroughly familiar with the Housing Quality Standards and their application, as well as any local standards you must enforce.

Consistency - Conduct all inspections in an even handed manner from unit to unit and over time.

SECTION 2: Setting Up a System to Monitor Housing Quality

Accuracy - Always apply the standard according to the HUD definition of acceptable Housing Quality Standards allowed in the units leased under Section 8, or a HUD approved variation of the standard.

- Inspections performed must be based on the visual assessment during that time.
- All fail violations must be supported by HQS.

Focus - HQS relates to permanent aspects of the unit, not to the furnishings or life-style of the tenant.

Objectivity - Strive to conduct inspections free of personal, class, ethnic or neighborhood biases. Perspectives of housing gained from other work experience must not interfere with the application of the HUD Housing Quality Standards.

Completeness - All inspection forms must be completely filled out in order to ensure that all HUD Housing Quality Standards have been met.

Understandability - Document inspection findings in clear, comprehensible language, written legibly, so that the inspection findings are usable by others.

Confidentiality - The inspection results can be shared with only PHA staff, the tenant and the landlord.

Judgment - Prudent judgment will reduce the exposure of the inspector and PHA to charges of inconsistency in inspections. When in doubt, seek the opinion of the inspection supervisor or other knowledgeable person.

Diplomacy - Be diplomatic in all contacts with the public. This is especially important in complaint inspections.

SECTION 2: Setting Up a System to Monitor Housing Quality

Procedures

The procedures for monitoring housing quality include keeping records on inspections, maintaining quality control of inspections, and analyzing methods of improving performance.

Recordkeeping

PHAs are required to keep copies of records of all inspections (initial, annual and special) for 3 years.

- If Lead-based paint is an issue, records must be kept **indefinitely**

All complaints by families related to owner noncompliance must be kept for three years.

Items should be kept in family's program file.

Improving Program Performance

Analysis of information accumulated through the inspection process can be beneficial in assessing appropriateness of HQS, effectiveness of information provided to owners and families, and of the PHA's inspection procedures.

Information feedback should include:

- Number of requests for lease approval.
- Number of initial inspections accomplished.
- Average number of inspections versus number of lease approvals.
- Number of units that:
 - Meet HQS
 - Require repairs to meet HQS
- Date the unit is to be reinspected
- Cost and type of repair to be completed by owner
- Backlog of inspection requests, including average time lag between date unit is available and date inspection is accomplished.
- Number of supervisory inspections, including data related to inspection errors and inconsistencies.

SECTION 2: Setting Up a System to Monitor Housing Quality

Elements of a Housing Quality Program

Elements of a quality housing program include:

- An inspection checklist (operational definition of the HQS)
- An approach to communicating the HQS to tenants and owners
- System for enforcing the HQS (by means of initial and periodic inspections)
- Means of managing and monitoring the effectiveness of the HQS over time

Basic Activities in an HQS Program

There are eight basic activities in an HQS program:

- Setting a local standard
- Staffing
- Training
- Communicating these standards
- Scheduling and performing inspections
- Quality control
- Recordkeeping
- Monitoring & effectiveness by analyzing checklist results

Staffing

Basic Staffing Models

Inspector

Program Representative

Inspector Options

Staff member

Shared staff member between 2 or more PHAs

“Contract” inspector

SECTION 2: Setting Up a System to Monitor Housing Quality

Developing a Staffing Plan

Job definitions must include two types of skills: technical skills, and communication skills.

- Technical skills in performing inspections, determining what repairs to be made, negotiating repairs with owners, advising owners on approaches and costs of repairs
- Communication skills in explaining the HQS to tenants and owners, and assisting participants and owners

Technical skills are developed through experience with local codes, construction (new and rehab) and housing systems (wiring, plumbing, heating).

Communication skills are also gained through work experience, requiring substantial public contact

Training

Maintain a consistent interpretation and application of the HQS, using:

- Printed materials
- Housing units
- AV presentations
- Lectures

Training components should be tailored to the needs of staff being trained

Communicating the Standards

Use audiovisual presentations and the HUD brochure “A Good Place to Live”

Create your own materials

Scheduling Inspections

Initial inspections should be scheduled within five days of the request

Rotate inspection staff

Monitor your program (quality control)

SECTION 3 ASSESSMENT OF PHA HOUSING QUALITY PROGRAM

1.0 AREAS TO BE ASSESSED

After you have attended the three-day training session on the Section 8 Program's Housing Quality Standards (HQS) you must conduct your own assessment of the standards, procedures and inspection staff responsible for the housing quality program at your PHA. The materials that have been presented at this training session will help you in making this assessment. The purpose of this assessment is to determine (1) whether your PHA's inspection program is adequate for enforcing the floor standard set by the Section 8 HQS, and (2) what corrective actions (e.g., additional training), if any, are needed to make it adequate.

You will need to evaluate the standards and inspection procedures for your own program with respect to the following four criteria:

1. **Standards:** Are each of the standards that your PHA has adopted equal to, or above, each of the Housing Quality Standards for the Section 8 Existing Housing Program (or variations approved by a HUD Field Office)? (For example, do your PHA's standards include inspection for electrical hazards?)
2. **Inspection Form:** Is the inspection form or checklist used by your inspectors an adequate tool for collecting and documenting inspection outcomes? Does your PHA's inspection form call for a room-by-room evaluation? Do inspectors record "passing conditions," (as well as "failing conditions," as verification that they have examined all the items? Do they document and provide for follow up on "failing conditions"?
3. **Inspection Accuracy and Thoroughness:** Are your inspectors applying your PHA's standards accurately as they perform their inspections? (For example, do they know how to identify an electrical hazard?)
4. **Record Keeping:** Does your PHA keep adequate records of inspection results?

The HUD Field Office will monitor your PHA in the future on the basis of these criteria. Therefore, it is in your best interest to undertake a careful assessment of the status of your PHA's standards and inspection procedures and to take whatever corrective actions are necessary to meet all these criteria.

The first criterion (standards) can be assessed by comparing, item-for-item, the Section 8 HQS with the standard currently used by your PHA inspectors.

The second criterion (form) can be assessed by reviewing the adequacy of your PHA's inspection form and procedures for filling it out.

The third criterion (accuracy) requires field inspections by you, or your representative, to verify that your inspection staff understands how to inspect each of the items included in the standards.

The fourth criterion (records) requires a review of your PHA's record-keeping practices.

SECTION 3: Assessment of PHA Housing Quality Program

2.0 HUD MONITORING

As part of their regular management review, the HUD Field Office will monitor your PHA with respect to criteria 1 and 3 by inspecting a sample of units that have passed your inspections. If all of the units inspected by HUD in this sample meet the Section 8 HQS, HUD will assume that your PHA has adequately met criteria 1 and 3. If the units that HUD inspects do not meet these standards, HUD will work with you to determine why units with deficiencies passed and what corrective actions are necessary to correct the specific unit deficiencies and to prevent deficiencies in units that pass in the future.

HUD monitoring of your PHA with respect to criterion 2 will be carried out by means of an examination of your PHA's inspection form. Your PHA must use the new HUD inspection form for all initial, annual and complaint inspections within 60 days from the time of this training session, unless your PHA can demonstrate to the HUD Field Office that your current inspection form is an adequate substitute for the new form.¹ The discussion of Criterion 2: Inspection form outlines the basis for determining whether your PHA's form is an adequate substitute for the new HUD inspection form.

The discussion below provides further guidelines for assessing your PHA's status with respect to criteria 1, 2, 3, and 4. It also points out what corrective actions should be considered if your PHA fails to satisfy any of these criteria.

3.0 CRITERION 1: STANDARDS COMPARISON

During the next HUD management review, the HUD Field Office will inspect a sample of units which has passed your PHA inspection. These units will be inspected by HUD Field Office staff on the basis of the Section 8 HQS requirements of SEMAP. It is therefore essential that the standards applied by your PHA meet, or exceed, these standards.

The Section 8 HQS are interpreted and explained in detail in the following materials:

- 24 CFR 982.401
- The new inspection form (HUD-52580-A, dated 9-2000)
- Chapter 10 of the HUD Voucher Program Guidebook 7420.10G
- The *Housing Inspection Manual* for the Section 8 Existing Housing Program
- The brochure "A Good Place to Live"

The interpretation of the Section 8 HQS is generally consistent in all of these materials. Since the new inspection form is a complete and concise operational definition of the Section 8 HQS, it should serve as the principal tool for comparing these program standards with your own PHA's standards.

¹. All forms prior to 9/2000 are obsolete.

SECTION 3: Assessment of PHA Housing Quality Program

The “operational definition” of your standards may be found in the following:

- Whatever regulations (including the Section 8 HQS) or local codes your PHA has adopted as a basis for designing its inspection program, or
- The inspection form that is used to apply these standards.

If the written explanation of your PHA standards is vague, documents such as these will only provide a partial understanding of how the standards are actually interpreted by your inspectors. In this case it will be necessary for you to question your inspectors to determine the actual de facto, operational definition of your PHA's standards. The discussion below on how to proceed with the comparison of standards explains this in more detail.

The comparison of your PHA standards and the HQS defined in the new inspection form is best carried out “in the office” rather than while inspecting a unit, since the task calls for a comparison of written requirements rather than an assessment of expertise in inspection. The main objective of the comparison is to determine whether the set of items and the interpretation of each of the items routinely checked by your inspectors are the same as the set included in the new inspection form. A later discussion will review an approach for assessing how well your inspectors are able to evaluate each item while actually performing an inspection.

3.1 If your PHA is currently using the HUD HQS set forth in Part 982, Subpart I of the Section 8 Tenant-Based Assistance Regulations, all items included in the new inspection form should already be covered by your PHA inspections. There may, however, be some areas where your standard does not correspond exactly with the new inspection form. The language of the regulations has left room for interpretation. Your PHA may have arrived at a different operational interpretation of these regulations than that given in the new inspection form; your inspectors may differ in their individual understanding of these regulations; or, your inspectors may be unclear exactly how these regulations should be defined.

It is your responsibility to ensure that each of the items in the Section 8 HQS, as interpreted in the new inspection form, is correctly being included by your inspectors in their operational application of the PHA's standards or that a variation has been approved by the HUD Field Office. To guarantee that your inspectors clearly understand the HUD interpretation of HQS, you should review the new inspection form with them in detail. Since this examination focuses on the content of HQS rather than its application during an inspection, the review can take place without actually inspecting a unit. The inspection form is organized by area of the dwelling unit to be inspected. For each part of the form, you should examine with your inspectors each item listed. This examination should include the item description (on the right hand page of the form) and the detailed explanation (on the left hand page of the form) of what specific conditions warrant pass and fail ratings. In addition, the accompanying Inspection manual provides further clarification and illustrations of how to rate these items. This Inspection manual should be “assigned reading” for your inspectors prior to undertaking this review. Given the level of detail present, you should set aside at least three or four hours with your inspection staff to complete this item-by-item review.

SECTION 3: Assessment of PHA Housing Quality Program

This review will serve two purposes. First, it will be a first step in communicating to your staff the new materials developed by HUD which clarify the Section 8 Existing Housing Program HQS. This, in itself, will work to insure a correct and consistent interpretation of the HQS by all your inspection staff. Second, it will point out those areas where your inspectors' current interpretation of your PHA standards may be unclear or different from the HQS as defined in the new HUD material (and define additional training needed as described in Section 7). Over the course of the review, you should watch for those items where your inspectors disagree with the interpretation given in the new form.

3.2 If your PHA has adopted a local housing code or other standard in place of the Section 8 HQS, you must compare this code with each item in the HQS. Again, in making this comparison, use the new HUD inspection form as the operational interpretation of the HQS. All items included in the new HUD inspection form must be present in the adopted local standard which must be approved by the HUD Field Office. The discussion below illustrates an approach to undertaking this comparison by actually comparing a section of a local code with the HQS (Exhibits 1 and 2 described below).

In many cases, this item-by-item comparison of the local standard with the HUD inspection form will not be straightforward. The local standard may combine or aggregate items differently than the new HUD form. For example, a local code may provide a single entry to cover a variety of building exterior condition items (e.g., the local code may require that "all exterior surfaces and porches must be in good repair"). This entry covers all of the following items in the new HUD form: condition of foundation; exterior stairs, rails and porches; roof and gutter; and exterior wall surface. In other cases, several items in a local code may be needed to cover a single item on the new HUD form. For example, the local code might ask for a separate rating for (1) kitchen sink condition, (2) presence of an adequate amount of running water, (3) temperature of hot water, and (4) drain connections.

All of these items would be covered in a single item in the HUD inspection form (Item 2.12: Is there a kitchen sink that works with hot and cold running water?).

Given the difficulties in comparing the two standards, you should proceed item-by-item through the new HUD form verifying that each item is satisfied clearly somewhere in the local standard. Again, this is most appropriately done in the office rather than during an inspection, with the new HUD inspection form and your own standard laid out side by side. This process is illustrated in the example below.

SECTION 3: Assessment of PHA Housing Quality Program

Step 1: Review of Local Standard with Respect to HQS.

Exhibit 1 presents a portion of an actual State Health and Sanitary code that has been adopted by some PHAs as a standard for their Section 8 Program. The information written in to the right (under “HQS”) describes whether each of the items in the kitchen section of this local code corresponds with those items included in the kitchen section of the new HUD inspection form. As can be seen, the result of the comparison is mixed. For some of the regulations included in the local code there is a matching HQS item. Some of the regulations in the local code do not correspond to any of the items on the new form (identified by “not HQS”). These regulations are additional to the HUD HQS and may be applied by the PHA (with HUD Field Office approval) as long as they do not adversely affect the availability of housing to program participants. In some cases, although the local requirement covers the same subject as that covered in the new form, the correspondence is not close enough to warrant a match between the code item and the HQS item. For example, item #19 reads “is there adequate space and facilities for installing of refrigerator?” The HQS requires the presence of a properly operating refrigerator.

Step 2: Coverage of HQS by the Local Standard.

The second step in the comparison process is to transfer the information from Step 1 onto the new HUD inspection form to assess how well the local standard covers all HQS items. This transfer is illustrated in Exhibit 2. The left hand columns of the Exhibit present the HQS items included in the kitchen section of the new form; the information on the right hand side of the Exhibit identifies whether the local code covers the HQS items.

Of the 13 items included in the kitchen section of the new form, 9 were covered by corresponding regulations from the local code. In many cases, several items from the local code form are needed to meet all aspects of the HQS item. For example, item 2.12 on the new form is met by a combination of four items from the local code form (items 2, 3, 4 and 5 from the local form). In the case on item 2.3 on the new form, the local code item is found in another section of the local code form, separate from the kitchen section. In this type of comparison of standards, it may be necessary to search through various sections of a local code to determine if a HQS item is covered.

In exhibit 2, it is uncertain whether item 2.4 of the new form (security) is met by the items included in the local form. The local form calls for doors and windows in “good repair that are fit for the use intended”, but it is unclear whether this includes presence of locking devices. It would be necessary to consult the original regulations that define the local code to discover whether this item includes security considerations. The match between the local standard and the HQS item may not always be clear without additional examination of the exact content of a local regulation.

Finally, Exhibit 2 indicated that there are three items on the new form that are not covered by any items on the local code form. (HUD form items 2.9, 2.11, and 2.13).

SECTION 3: Assessment of PHA Housing Quality Program

If your comparison indicates that there are some items in the Section 8 HQS that are not covered in the adopted local code, there are three options to consider. First, your PHA can adjust its application of the local standard to include the missing items. In the example provided in Exhibit 2, all HQS items for the kitchen would be covered if three HQS items (Lead Paint, Refrigerator, and Space for Storage and Preparation of Food) were added to the current set of items found in the local standard. It would be possible for the PHA to continue to use its own standard by augmenting it with these missing HQS items. The addition of relatively few HQS items to an existing local standard can often be accomplished without full scale training. You would be responsible for training your staff in these missing items by carefully reviewing with your inspectors each of the missing items, using as a basis the new HUD inspection form and Inspection Manual (See Section 7 of Appendix C).

The second option available to your PHA if you find that your current standard omits HQS items, is to replace the local standard with the Section 8 HQS as interpreted in the new HUD materials. If this option is chosen, inspectors should receive full scale training similar to the training that you have just completed. Instructions for leading a full scale training program are provided in other parts of this training package. A third option is to request a variation from the HUD Field Office on the HQS item that is omitted in the PHA's standard. However, variations of the Acceptability Criteria will only be considered in circumstances where the omission of an item would not weaken the Performance Criteria of the HQS established to guarantee decent, safe and sanitary housing to Section 8 program participants.

The decision to augment a local standard or to replace it entirely with HQS is a judgement that must be made by you or the supervisor of the PHA housing quality program. The critical factor that you must take into consideration is the number of missing HQS items (e.g., 30% or more), training your staff in the missing HQS items would probably be as time consuming as undertaking full scale training. In this case it is advisable to replace your local code with the HQS. If, however, a relatively small proportion of HQS items are missing, augmentation of your local standard with the missing HQS items would require much less training and would probably be adequate for covering all aspects of the HQS.

The results of the standards comparison must be carefully documented and filed as was done in Exhibit 1 and 2. This will be useful in future management of your inspection program. For example, if future monitoring by HUD discovers units that fail the HQS, this comparison of standards will help in sorting out if items were missed because they were not included in the PHA's standards or if the missed items were included in the standards but were simply overlooked by the inspector in the field.

Step 3. Description or Explanation of Fails.

It must require description (or explanation) of why an item failed. This provides an accurate, full record that can serve as a basis for later substantiating inspection results.

SECTION 3: Assessment of PHA Housing Quality Program

4.0 CRITERION 2: INSPECTION FORM

Examine your PHA's inspection form to determine if it meets all three of these Form Requirements. If it does not, it falls short of the standard for completeness, consistency and documentation set by the new form; you will need to change yours to meet all of these requirements or adopt the new HUD form. If your current form does meet all three requirements and you wish to continue to use it, submit a written request to the HUD Field Office asking for approval to continue to use it. In this request, enclose a copy of your form and a justification explaining how each of the three requirements are met.

5.0 CRITERION 3: ASSESSING INSPECTOR PERFORMANCE

In addition to assessing the adequacy of the PHA's standards and the PHA's inspection form it is essential that the actual on-the-job performance of the inspectors be examined for adequacy. Once the standards identify what items need to be inspected, do the inspectors know how to identify the items and make an accurate pass/fail judgment on them? The inclusion of a particular item in a standard does not protect the PHA if the PHA inspectors do not know what to look for in inspecting it.

Evaluating the performance of the inspectors can be achieved by selecting units which have been recently inspected; these units should be reinspected by you to identify items which were missed, or where the inspector used a different interpretation in passing or failing a particular item.

An in-house approach to assessing the performance of the PHA's inspectors is to set up test dwelling units—either occupied or vacant units that are not under lease in the Section 8 Existing Housing program.

First, inspect each of these units yourself and then schedule the inspectors to each perform an independent inspection of the units. After the inspectors have completed these test inspections and completed the inspection forms, you should analyze the forms to determine the nature and extent of discrepancies in completing and interpreting items on the forms. In analyzing the results of the inspectors' performance, you should examine the following:

- The extent of discrepancies between your inspection and the inspectors' inspection;
- The extent of variations in rating among the inspectors on all items;
- Whether discrepancies are concentrated in specific areas of the form (e.g., the items that require the greatest level of technical competence such as electrical hazards) or whether they are scattered throughout (indicating a general level of misunderstanding).

You should consult the Inspection Manual for a full discussion of procedures to be followed in conducting test inspections and interpreting the results (see Inspection manual Section II-6, "Quality Control" and Section II-8, "Monitoring Progress and Effectiveness by Analyzing Checklist Results". Section II-6 of the Inspection manual provides guidelines for conducting test inspections and evaluating the results to assess inspector performance. Section II-8 presents an approach for analyzing inspection forms completed by staff to obtain information about inspector capabilities and possible biases.)

SECTION 3: Assessment of PHA Housing Quality Program

The results of this analysis will indicate the kind and extent of inspection training that will be necessary as discussed in Section 7.

6.0 CRITERION 4: RECORD KEEPING

HUD regulations require that the PHA retain copies of the records of all PHA inspections (initial, annual, and complaint). These records have several important uses. First, they are proof that the unit meets the standards of the program. Second, they are important reference information in negotiations with landlords over rent and repairs. Third, they represent a record of the condition of the unit prior to the tenants moving in and thereby protect the tenant, the PHA and the owner against liability for previously existing damages.

When you change over to the new inspection form you must make certain that your PHA inspectors fill it out properly and maintain files of completed forms so that there is an accurate record of inspection outcomes. If, however, you plan to request approval from the HUD Field Office to continue to use your current inspection form, it will be necessary to examine examples from your files of your PHA's completed forms to confirm that they serve as adequate documentation of inspection results. To do this, choose a sample of filed, completed inspection forms and check them to verify that the records on file meet the three Form Requirements discussed on the previously. If all three requirements are satisfied, include the results of your examination in your request for approval to continue to use your current form.

During the HUD management review, HUD staff will examine a sample of forms to verify that your PHA's inspection records are adequate.

Housing Quality Standards

Monitoring Housing Quality

SECTION 3: Assessment of PHA Housing Quality Program

Exhibit 1: Review of Local Standard with Respect to HQS

Local Standard*			HQS	
Regulation		Kitchen	Corresponding HQS Item**	Additional Comments
1	3.1	Is the room suitable?	2.1	
2	3.1(a)	Is sink available and of sufficient size and capacity?	2.12	
3	41 (9.1 & 9.2)	Is cold water for one sink available (with sufficient quantity and pressure?)		
4	5.1 (9.1 & 9.2)	Is hot water for sink available? (120 °F - 140 °F)?		
5	9.1 & 9.2	Is sink properly connected to drain lines?		
6	3.1(b)	Is there a working stove and oven?	2.10	
7	9.3	Is the stove and oven properly connected and vented?		
8	3.2	Are the facilities clean, smooth, impervious, nonabsorbent?		Not included in HQS
9	7.2(a)	Is there one light fixture in good repair?	2.2	
10	7.2(b)	Are there two electrical outlets in good repair?		HQS only requires one outlet
11	7.2(c)	Are the windows (if kitchen exceeds 70 sq.ft.) equal to at least 10% of the floor area?		Kitchen windows not required in HQS
12	13.1& 13.1/a	Are the windows in good repair, weathertight and fit for the use intended?	2.5	
13	14.5	Are the exterior openings properly screened?		Not included in HQS
14	13.1	Are the doors in good repair and fit for the use intended?		HQS only requires that doors are lockable
15	13.1	Are the walls in good repair and fit for the use intended?	2.7	
16	13.1	Are the ceilings in good repair and fit for the use intended?	2.6	
17	13.1	Are the floors in good repair and fit for the use intended?	2.8	
18	13.6	Is the floor impervious and easily cleanable?		Not included in HQS
19	3.1(a)	Is there adequate space and facilities for installing of Refrigerator?		Does not meet HQS refrigerator requirement
20	3.1A 3.1B(a)	Is there sufficient ventilation?		HQS ventilation requirement is for entire unit
* Local standard is kitchen section of Department of Public Health, State Sanitary Code, Commonwealth of Massachusetts, which meets or exceeds HQS				
** HQS item numbers correspond to item numbers on new HUD Inspection Form				

Housing Quality Standards

Monitoring Housing Quality

SECTION 3: Assessment of PHA Housing Quality Program

Exhibit 2: Coverage of HQS by the Local Standard

HQS		Local Standard					
Item	Description**	Covered in Local Standard			Corresponding Local Standard		Additional Comments
		Yes	No	??	Item #	Regulation #	
2.1	KITCHEN AREA PRESENT Is there a kitchen?	√			1	3.1	
2.2	ELECTRICITY Is there at least one working electric outlet and one working, permanently installed light fixture?	√			9,10	7.2(a), 7.2(b)	
2.3	ELECTRICAL HAZARDS Is the kitchen free from electrical hazards?	√			***	7.8	Not covered in Kitchen section of local form, but covered under local form section entitled "General" (at end of form).
2.4	SECURITY Are all windows and doors that are accessible from the outside lockable?			√	12,14		Check regulations for local code to determine if "fit for use intended" in regulation on windows and doors includes presence of locks
2.5	WINDOW CONDITION Are all windows free of signs of deterioration or missing or broken-out panes?	√			12	13.1, 13.1A	
2.6	CEILING CONDITION Is the ceiling sound and free from hazardous defects?	√			16	13.1	
2.7	WALL CONDITION Are the walls sound and free from hazardous defects?	√			15	13.1	
2.8	FLOOR CONDITION Is the floor sound and free from hazardous defects?	√			17	13.1	
2.9	LEAD PAINT Are all interior surfaces either free of cracking, scaling, peeling, chipping, and loose paint, or adequately treated and covered to prevent exposure of the occupants to lead-based paint hazards?		√				Not included anywhere in local code
2.10	STOVE OR RANGE WITH OVEN Is there a working oven, and a stove (or range) with top burners that work?	√			6,7	3.1(b), 9.3	

Housing Quality Standards

Monitoring Housing Quality

SECTION 3: Assessment of PHA Housing Quality Program

	HQS	Local Standard					
Item	Description**	Covered in Local Standard			Corresponding Local Standard		Additional Comments
		Yes	No	??	Item #	Regulation #	
2.11	REFRIGERATOR Is there a refrigerator that works and maintains a temperature low enough so that food does not spoil over a reasonable period of time?		√				Not included anywhere in local code
2.12	SINK Is there a kitchen sink that works with hot and cold running water?	√			2,3,4,5	3.1(a), 41(9.1&9.2), 5.1(9.1&9.2), 9.1 & 9.2	
2.13	SPACE FOR STORAGE AND PREPARATION OF FOOD Is there a space to store and prepare food?		√				Not included anywhere in local code
* Local standard is kitchen section of Department of Public Health, State Sanitary Code, Commonwealth of Massachusetts.							
** HQS items are from kitchen section of new HUD Inspection Form.							
*** Item covered in section 7 of local code, not in kitchen section.							

SECTION 3: Assessment of PHA Housing Quality Program

Notes

CHAPTER 11 HUD References

Section 1 24 CFR References

PART 982 SECTION 8 TENANT-BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

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Section 1 24 CFR References

PART 982 SECTION 8 TENANT-BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

Subpart I Dwelling Unit: Housing Quality Standards, Subsidy Standards, Inspection and Maintenance

982.401 Housing quality standards (HQS).

(a) *Performance and acceptability requirements.* (1) This section states the housing quality standards (HQS) for housing assisted under the HCV program.

(2) (i) The HQS consist of:

(A) Performance requirements; and

(B) Acceptability criteria or HUD approved variations in the acceptability criteria.

(ii) This section states performance and acceptability criteria for these key aspects of housing quality:

(A) Sanitary facilities;

(B) Food preparation and refuse disposal;

(C) Space and security;

(D) Thermal environment;

(E) Illumination and electricity;

(F) Structure and materials;

(G) Interior air quality;

(H) Water supply;

(I) Lead-based paint;

(J) Access;

(K) Site and neighborhood;

(L) Sanitary condition; and

(M) Smoke detectors.

(3) All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

(4) (i) In addition to meeting HQS performance requirements, the housing must meet the acceptability criteria stated in this section, unless variations are approved by HUD.

(ii) HUD may approve acceptability criteria variations for the following purposes:

(A) Variations which apply standards in local housing codes or other codes adopted by the PHA; or

(B) Variations because of local climatic or geographic conditions.

(iii) Acceptability criteria variations may only be approved by HUD pursuant to paragraph (a)(4)(ii) of this section if such variations either:

(A) Meet or exceed the performance requirements; or

(B) Significantly expand affordable housing opportunities for families assisted under the program.

(iv) HUD will not approve any acceptability criteria variation if HUD believes that such variation is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

(b) *Sanitary facilities*—(1) *Performance requirements.* The dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste. The sanitary facilities must be usable in privacy.

(2) *Acceptability criteria.* (i) The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.

(ii) The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.

(iii) The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.

(iv) The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

(c) *Food preparation and refuse disposal*—(1) *Performance requirement.* (i) The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.

(ii) There must be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(2) *Acceptability criteria.* (i) The dwelling unit must have an oven, and a stove or range, and a refrigerator of appropriate size for the family. All of the equipment must be in proper operating condition. The equipment may be supplied by either the owner or the family. A microwave oven may be substituted for a tenant-supplied oven and stove or range. A

microwave oven may be substituted for an owner-supplied oven and stove or range if the tenant agrees and microwave ovens are furnished instead of an oven and stove or range to both subsidized and unsubsidized tenants in the building or premises.

(ii) The dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. The sink must drain into an approvable public or private system.

(iii) The dwelling unit must have space for the storage, preparation, and serving of food.

(iv) There must be facilities and services for the sanitary disposal of food waste and refuse, including temporary storage facilities where necessary (e.g., garbage cans).

(d) *Space and security*—(1) *Performance requirement.* The dwelling unit must provide adequate space and security for the family.

(2) *Acceptability criteria.* (i) At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.

(ii) The dwelling unit must have at least one bedroom or living/sleeping room for each two persons. Children of opposite sex, other than very young children, may not be required to occupy the same bedroom or living/sleeping room.

(iii) Dwelling unit windows that are accessible from the outside, such as basement, first floor, and fire escape windows, must be lockable (such as window units with sash pins or sash locks, and combination windows with latches). Windows that are nailed shut are acceptable only if these windows are not needed for ventilation or as an alternate exit in case of fire.

(iv) The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

(e) *Thermal environment*—(1) *Performance requirement.* The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability criteria.* (i) There must be a safe system for heating the dwelling unit (and a safe cooling system, where present). The system must be in proper operating condition. The system must be able to provide adequate heat (and cooling, if applicable), either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.

(ii) The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Electric heaters are acceptable.

(f) *Illumination and electricity*—(1) *Performance requirement.* Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. The electrical fixtures and wiring must ensure safety from fire.

(2) *Acceptability criteria.* (i) There must be at least one window in the living room and in each sleeping room.

(ii) The kitchen area and the bathroom must have a permanent ceiling or wall light fixture in proper operating condition. The kitchen area must also have at least one electrical outlet in proper operating condition.

(iii) 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.

(g) *Structure and materials*—(1) *Performance requirement.* The dwelling unit must be structurally sound. The structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.

(2) *Acceptability criteria.* (i) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage.

(ii) The roof must be structurally sound and weathertight.

(iii) The exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, large holes, or defects that may result in air infiltration or vermin infestation.

(iv) The condition and equipment of interior and exterior stairs, halls, porches, walkways, etc., must not present a danger of tripping and falling. For example, broken or missing steps or loose boards are unacceptable.

(v) Elevators must be working and safe.

(h) *Interior air quality*—(1) *Performance requirement.* The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

(2) *Acceptability criteria.* (i) The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.

(ii) There must be adequate air circulation in the dwelling unit.

(iii) Bathroom areas must have one openable window or other adequate exhaust ventilation.

(iv) Any room used for sleeping must have at least one window. If the window is designed to be openable, the window must work.

(i) *Water supply*—(1) *Performance requirement.* The water supply must be free from contamination.

(2) *Acceptability criteria.* The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

(j) *Lead-based paint performance requirement.* 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 implementing regulations at part 35, subparts A, B, M, and R of this title apply to units assisted under this part.

(k) *Access performance requirement.* The dwelling unit must be able to be used and maintained without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire (such as fire stairs or egress through windows).

(l) *Site and Neighborhood*—(1) *Performance requirement.* The site and neighborhood must be reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

(2) *Acceptability criteria.* The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks or steps; instability; flooding, poor drainage, septic tank back-ups or sewage hazards; mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(m) *Sanitary condition*—(1) *Performance requirement.* The dwelling unit and its equipment must be in sanitary condition.

(2) *Acceptability criteria.* The dwelling unit and its equipment must be free of vermin and rodent infestation.

(n) *Smoke detectors performance requirement*—(1) Except as provided in paragraph (n)(2) of this section, each dwelling unit must have at least one battery-operated or hard-wired smoke detector, in proper operating condition, on each level of the dwelling unit, including basements but excepting crawl spaces and unfinished attics. Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any hearing-impaired person, smoke detectors must have an alarm system, designed for hearing-impaired persons as specified in NFPA 74 (or successor standards).

(2) For units assisted prior to April 24, 1993, owners who installed battery-operated or hard-wired smoke detectors prior to April 24, 1993 in compliance with HUD's smoke detector requirements, including the regulations published on July 30, 1992, (57 FR 33846), will not be required subsequently to comply with any additional requirements mandated by NFPA 74 (i.e., the owner would not be required to install a smoke detector in a basement not used for living purposes, nor would the owner be required to change the location of the smoke detectors that have already been installed on the other floors of the unit).

982.402 Subsidy standards.

(a) *Purpose.* (1) The PHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions.

(2) For each family, the PHA determines the appropriate number of bedrooms under the PHA subsidy standards (family unit size).

(3) The family unit size number is entered on the voucher issued to the family. The PHA issues the family a voucher for the family unit size when a family is selected for participation in the program.

(b) *Determining family unit size.* The following requirements apply when the PHA determines family unit size under the PHA subsidy standards:

(1) The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.

(2) The subsidy standards must be consistent with space requirements under the housing quality standards (See §982.401(d)).

(3) The subsidy standards must be applied consistently for all families of like size and composition.

(4) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.

(5) A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.

(6) Any live-in aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;

(7) Unless a live-in-aide resides with the family, the family unit size for any family consisting of a single person must be either a zero or one-bedroom unit, as determined under the PHA subsidy standards.

(8) In determining family unit size for a particular family, the PHA may grant an exception to its established subsidy standards if the PHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. (For a single person other than a disabled or elderly person or remaining family member, such PHA exception may not override the limitation in paragraph (b)(7) of this section.)

(c) *Effect of family unit size-maximum subsidy in voucher program.* The family unit size as determined for a family under the PHA subsidy standard is used to determine the maximum rent subsidy for a family assisted in the voucher program. For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standard for a family shall be the lower of:

(1) The payment standard amount for the family unit size; or

(2) The payment standard amount for the unit size of the unit rented by the family. However, utility allowances must follow §982.517(d).

(3) *Voucher program.* For a voucher tenancy, the PHA establishes payment standards by number of bedrooms. The payment standards for the family must be the lower of:

(i) The payment standards for the family unit size; or

(ii) The payment standard for the unit size rented by the family.

(d) *Size of unit occupied by family.* (1) The family may lease an otherwise acceptable dwelling unit with fewer bedrooms than the family unit size. However, the dwelling unit must meet the applicable HQS space requirements.

(2) The family may lease an otherwise acceptable dwelling unit with more bedrooms than the family unit size.

982.403 Terminating HAP contract when unit is too small.

(a) *Violation of HQS space standards.* (1) If the PHA determines that a unit does not meet the HQS space standards because of an increase in family size or a change in family composition, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible.

(2) If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.

(b) *Termination.* When the PHA terminates the HAP contract under paragraph (a) of this section:

(1) The PHA must notify the family and the owner of the termination; and

(2) The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.

(3) The family may move to a new unit in accordance with §982.314.

982.404 Maintenance: Owner and family responsibility; PHA remedies.

(a) *Owner obligation.* (1) The owner must maintain the unit in accordance with HQS.

(2) If the owner fails to maintain the dwelling unit in accordance with HQS, the PHA must take prompt and vigorous action to enforce the owner obligations. PHA remedies for such breach of the HQS include termination, suspension or reduction of housing assistance payments and termination of the HAP contract.

(3) The PHA must not make any housing assistance payments for a dwelling unit that fails to meet the HQS, unless the owner corrects the defect within the period specified by the PHA and the PHA verifies the correction. If a defect is life threatening, the owner must correct the defect

within no more than 24 hours. For other defects, the owner must correct the defect within no more than 30 calendar days (or any PHA-approved extension).

(4) The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible (as provided in §982.404(b) and §982.551(c)). (However, the PHA may terminate assistance to a family because of HQS breach caused by the family.)

(b) Family obligation. (1) The family is responsible for a breach of the HQS that is caused by any of the following:

(i) The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;

(ii) The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or

(iii) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).

(2) If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any PHA-approved extension).

(3) If the family has caused a breach of the HQS, the PHA must take prompt and vigorous action to enforce the family obligations. The PHA may terminate assistance for the family in accordance with §982.552.

982.405 PHA initial and periodic unit inspection.

(a) The PHA must inspect the unit leased to a family prior to the initial term of the lease, at least biennially during assisted occupancy, and at other times as needed, to determine if the unit meets the HQS. (See §982.305(b)(2) concerning timing of initial inspection by the PHA.)

(b) The PHA must conduct supervisory quality control HQS inspections.

(c) In scheduling inspections, the PHA must consider complaints and any other information brought to the attention of the PHA.

(d) The PHA must notify the owner of defects shown by the inspection.

(e) The PHA may not charge the family for an initial inspection or reinspection of the unit.

(f) The PHA may not charge the owner for the inspection of the unit prior to the initial term of the lease or for a first inspection during assisted occupancy of the unit. The PHA may establish a reasonable fee to owners for a reinspection if an owner notifies the PHA that a repair has been made or the allotted time for repairs has elapsed and a reinspection reveals that any deficiency cited in the previous inspection that the owner is responsible for repairing pursuant to §982.404(a) was not corrected. The owner may not pass this fee along to the family. Fees collected under this paragraph will be included in a PHA's administrative fee reserve and may be used only for activities related to the provision of Section 8 Tenant-Based Rental Assistance.

(g) If a participant family or government official reports a condition that is life-threatening (*i.e.*, the PHA would require the owner to make the repair within no more than 24 hours in accordance with §982.404(a)(3)), then the PHA must inspect the housing unit within 24 hours of when the PHA received the notification. If the reported condition is not life-threatening (*i.e.*, the PHA would require the owner to make the repair within no more than 30 calendar days in accordance with §982.404(a)(3)), then the PHA must inspect the unit within 15 days of when the PHA received the notification. In the event of extraordinary circumstances, such as 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.

982.406 Use of alternative inspections.

(a) *In general.* (1) A PHA may comply with the inspection requirement in § 982.405(a) by relying on an alternative inspection (*i.e.*, an inspection conducted for another housing assistance program) only if the PHA is able to obtain the results of the alternative inspection.

(2) If an alternative inspection method employs sampling, then a PHA may rely on such alternative inspection method to comply with the requirement in § 982.405(a) only if HCV units are included in the population of units forming the basis of the sample.

(3) Units in properties that are mixed finance properties assisted with project-based vouchers may be inspected at least triennially pursuant to 24 CFR 983.103(g).

(b) *Administrative plans.* A PHA relying on an alternative inspection to fulfill the requirement in § 982.405(a) must identify the alternative inspection method being used in the PHA's administrative plan. Such a

change may be a significant amendment to the plan, in which case the PHA must follow its plan amendment and public notice requirements, in addition to meeting the requirements in § 982.406(c)(2), if applicable, before using the alternative inspection method.

(c) *Eligible inspection methods.* (1) A PHA may rely upon inspections of housing assisted under the HOME Investment Partnerships (HOME) program or housing financed using Low-Income Housing Tax Credits (LIHTCs), or inspections performed by HUD, with no action other than amending its administrative plan.

(2) If a PHA wishes to rely on an inspection method other than a method listed in paragraph (c)(1) of this section, then, prior to amending its administrative plan, the PHA must submit to the Real Estate Assessment Center (REAC) a copy of the inspection method it wishes to use, along with its analysis of the inspection method that shows that the method "provides the same or greater protection to occupants of dwelling units" as would HQS.

(i) A PHA may rely upon such alternative inspection method only upon receiving approval from REAC to do so.

(ii) A PHA that uses an alternative inspection method approved under this paragraph must monitor changes to the standards and requirements applicable to such method. If any change is made to the alternative inspection method, then the PHA must submit to REAC a copy of the revised standards and requirements, along with a revised comparison to HQS. If the PHA or REAC determines that the revision would cause the alternative inspection to no longer meet or exceed HQS, then the PHA may no longer rely upon the alternative inspection method to comply with the inspection requirement at § 982.405(a).

(d) *Results of alternative inspection.* (1) In order for a PHA to rely upon the results of an alternative inspection to comply with the requirement at §982.405(a), a property inspected pursuant to such method must meet the standards or requirements regarding housing quality or safety applicable to properties assisted under the program using the alternative inspection method. To make the determination of whether such standards or requirements are met, the PHA must adhere to the following procedures:

(i) If a property is inspected under an alternative inspection method, and the property receives a "pass" score, then the PHA may rely on that inspection to demonstrate compliance with the inspection requirement at § 982.405(a).

(ii) If a property is inspected under an alternative inspection method, and the property receives a "fail" score, then the PHA may not rely on that inspection to demonstrate compliance with the inspection requirement at § 982.405(a).

(iii) If a property is inspected under an alternative inspection method that does not employ a pass/fail determination—for example, in the case of a program where deficiencies are simply identified—then the PHA must review the list of deficiencies to determine whether any cited deficiency would have resulted in a "fail" score under HQS. If no such deficiency exists, then the PHA may rely on the inspection to demonstrate compliance with the inspection requirement at § 982.405(a); if such a deficiency does exist, then the PHA may not rely on the inspection to demonstrate such compliance.

(2) Under any circumstance described above in which a PHA is prohibited from relying on an alternative inspection method for a property, the PHA must, within a reasonable period of time, conduct an HQS inspection of any units in the property occupied by voucher program participants and follow HQS procedures to remedy any identified deficiencies.

(e) *Records retention.* As with all other inspection reports, and as required by § 982.158(f)(4), reports for inspections conducted pursuant to an alternative inspection method must be obtained by the PHA. Such reports must be available for HUD inspection for at least three years from the date of the latest inspection.

982.407 Enforcement of HQS.

Part 982 does not create any right of the family, or any party other than HUD or the PHA, to require enforcement of the HQS requirements by HUD or the PHA, or to assert any claim against HUD or the PHA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

Section 2 HUD Forms and Other Information

HCV Inspection Checklist (Form HUD-52580) (Short form)

Inspection Checklist

Housing Choice Voucher Program

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(Exp. 04/30/2018)

Public reporting burden for this collection of information is estimated to average 0.50 hours 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 agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Assurances of confidentiality are not provided under this collection.

This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to determine if a unit meets the housing quality standards of the section 8 rental assistance program.

Privacy Act Statement. The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of the name and address of both family and the owner is mandatory. The information is used to determine if a unit meets the housing quality standards of the Section 8 rental assistance program. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family participation.

Name of Family		Tenant ID Number	Date of Request (mm/dd/yyyy)
Inspector		Neighborhood/Census Tract	Date of Inspection (mm/dd/yyyy)
Type of Inspection Initial ☐ Special ☐ Reinspection ☐		Date of Last Inspection (mm/dd/yyyy)	PHA
A. General Information			
Inspected Unit		Year Constructed (yyyy)	Housing Type (check as appropriate)
Full Address (including Street, City, County, State, Zip)			☐ Single Family Detached ☐ Duplex or Two Family ☐ Row House or Town House ☐ Low Rise: 3, 4 Stories, Including Garden Apartment ☐ High Rise; 5 or More Stories ☐ Manufactured Home ☐ Congregate ☐ Cooperative ☐ Independent Group Residence ☐ Single Room Occupancy ☐ Shared Housing ☐ Other
Number of Children in Family Under 6			
Owner			
Name of Owner or Agent Authorized to Lease Unit Inspected		Phone Number	
Address of Owner or Agent			
B. Summary Decision On Unit (To be completed after form has been filled out)			
☐ Pass ☐ Fail ☐ Inconclusive	Number of Bedrooms for Purposes of the FMR or Payment Standard	Number of Sleeping Rooms	

Inspection Checklist				Final Approval Date (mm/dd/yyyy)		
Item No.	1. Living Room	Yes Pass	No Fail	In-Conc.	Comment	
1.1	Living Room Present					
1.2	Electricity					
1.3	Electrical Hazards					
1.4	Security					
1.5	Window Condition					
1.6	Ceiling Condition					
1.7	Wall Condition					
1.8	Floor Condition					

Previous editions are obsolete

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form HUD-52580 (4/2015)
ref Handbook 7420.8

HCV Inspection Form (form HUD 52580-A) (Long form)

Inspection Form

Housing Choice Voucher Program

U.S. Department of Housing
and Urban Development

Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp. 04/30/2018)

Public reporting burden for this collection of information is estimated to average 0.25 hours 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 agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Privacy Act Statement. The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of the name and address of both the family and the owner is mandatory. The information is used to determine if a unit meets the housing quality standards of the section 8 rental assistance program. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family participation.

Assurances of confidentiality are not provided under this collection.

This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).
a unit meets the housing quality standards of the section 8 rental assistance program.

The information is used to determine if

PHA		Tenant ID Number		Date of Request (mm/dd/yyyy)	
Inspector		Date Last Inspection (mm/dd/yyyy)		Date of Inspection (mm/dd/yyyy)	
Neighborhood/Census Tract		Type of Inspection ☐ Initial ☐ Special ☐ Reinspection		Project Number	
A. General Information					
Street Address of Inspected Unit				Housing Type (check as appropriate)	
City				☐ Single Family Detached	
County				☐ Duplex or Two Family Row	
State				☐ House or Town House	
Zip				☐ Low Rise: 3,4 Stories, Including Garden Apartment	
Name of Family				☐ High Rise: 5 or More Stories	
Current Telephone of Family				☐ Manufactured Home	
Current Street Address of Family				☐ Congregate	
City				☐ Cooperative	
County				☐ Independent Group Residence	
State				☐ Single Room Occupancy	
Zip				☐ Shared Housing	
Number of Children in Family Under 6				☐ Other:(Specify)	
Name of Owner or Agent Authorized to Lease Unit Inspected					
Telephone of Owner or Agent					
Address of Owner or Agent					

HAP Contract (HUD-52641)

Housing Assistance Payments Contract (HAP Contract) Section 8 Tenant-Based Assistance Housing Choice Voucher Program

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
exp. 7/31/2022

Privacy Act Statement: The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of family members' names and unit address, and owner's name and payment address is mandatory. The information is used to provide Section 8 tenant-based assistance under the Housing Choice Voucher program in the form of housing assistance payments. The information also specifies what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied to the tenant. HUD may disclose this information to Federal, State, and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family or owner participation in the program.

Instructions for use of HAP Contract

This form of Housing Assistance Payments Contract (HAP contract) is used to provide Section 8 tenant-based assistance under the housing choice voucher program (voucher program) of the U.S. Department of Housing and Urban Development (HUD). The main regulation for this program is 24 Code of Federal Regulations Part 982.

The local voucher program is administered by a public housing agency (PHA). The HAP contract is an agreement between the PHA and the owner of a unit occupied by an assisted family. The HAP contract has three parts:

Part A Contract information (fill-ins).

See section by section instructions.

Part B Body of contract

Part C Tenancy addendum

Use of this form

Use of this HAP contract is required by HUD. Modification of the HAP contract is not permitted. The HAP contract must be word-for-word in the form prescribed by HUD.

However, the PHA may choose to add the following:

Language that prohibits the owner from collecting a security deposit in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. Such a prohibition must be added to Part A of the HAP contract.

Language that defines when the housing assistance payment by the PHA is deemed received by the owner (e.g., upon mailing by the PHA or actual receipt by the owner). Such language must be added to Part A of the HAP contract.

To prepare the HAP contract, fill in all contract information in Part A of the contract. Part A must then be executed by the owner and the PHA.

Use for special housing types

In addition to use for the basic Section 8 voucher program, this form must also be used for the following "special housing types" which are voucher program variants for special needs (see 24 CFR Part 982, Subpart M): (1) single room occupancy (SRO) housing; (2) congregate housing; (3) group home; (4) shared housing; and (5) manufactured home rental by a family that leases the manufactured home and space. When this form is used for a special housing type, the special housing type shall be specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: (Insert Name of Special Housing type)."

However, this form may not be used for the following special housing types: (1) manufactured home space rental by a family that owns the manufactured home and leases only the space; (2) cooperative housing; and (3) the homeownership option under Section 8(y) of the United States Housing Act of 1937 (42 U.S.C. 1437f(y)).

How to fill in Part A

Section by Section Instructions

Section 2: Tenant

Enter full name of tenant.

Section 3. Contract Unit

Enter address of unit, including apartment number, if any.

Section 4. Household Members

Enter full names of all PHA-approved household members. Specify if any such person is a live-in aide, which is a person approved by the PHA to reside in the unit to provide supportive services for a family member who is a person with disabilities

Section 5. Initial Lease Term

Enter first date and last date of initial lease term.

The initial lease term must be for at least one year. However, the PHA may approve a shorter initial lease term if the PHA determines that:

- Such shorter term would improve housing opportunities for the tenant, **and**
- Such shorter term is the prevailing local market practice.

Section 6. Initial Rent to Owner

Enter the amount of the monthly rent to owner during the initial lease term. The PHA must determine that the rent to owner is reasonable in comparison to rent for other comparable unassisted units. During the initial lease term, the owner may not raise the rent to owner.

Section 7. Housing Assistance Payment

Enter the initial amount of the monthly housing assistance payment.

Section 8. Utilities and Appliances.

The lease and the HAP contract must specify what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the tenant. Fill in section 8 to show who is responsible to provide or pay for utilities and appliances.

**Housing Assistance Payments Contract
(HAP Contract)
Section 8 Tenant-Based Assistance
Housing Choice Voucher Program**

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

Part A of the HAP Contract: Contract Information

(To prepare the contract, fill out all contract information in Part A.)

1. Contents of Contract

This HAP contract has three parts:

Part A: Contract Information

Part B: Body of Contract

Part C: Tenancy Addendum

2. Tenant

3. Contract Unit

4. Household

The following persons may reside in the unit. Other persons may not be added to the household without prior written approval of the owner and the PHA.

5. Initial Lease Term

The initial lease term begins on (mm/dd/yyyy): _____

The initial lease term ends on (mm/dd/yyyy): _____

6. Initial Rent to Owner

The initial rent to owner is: \$ _____

During the initial lease term, the owner may not raise the rent to owner.

7. Initial Housing Assistance Payment

The HAP contract term commences on the first day of the initial lease term. At the beginning of the HAP contract term, the amount of the housing assistance payment by the PHA to the owner is \$ _____ per month.

The amount of the monthly housing assistance payment by the PHA to the owner is subject to change during the HAP contract term in accordance with HUD requirements.

8. Utilities and Appliances

The owner shall provide or pay for the utilities/appliances indicated below by an “O”. The tenant shall provide or pay for the utilities/appliances indicated below by a “T”. Unless otherwise specified below, the owner shall pay for all utilities and provide the refrigerator and range/microwave.

Item	Specify fuel type	Paid by
Heating	☐ Natural gas ☐ Bottle gas ☐ Electric ☐ Heat Pump ☐ Oil ☐ Other	
Cooking	☐ Natural gas ☐ Bottle gas ☐ Electric ☐ Other	
Water Heating	☐ Natural gas ☐ Bottle gas ☐ Electric ☐ Oil ☐ Other	
Other Electric		
Water		
Sewer		
Trash Collection		
Air Conditioning		
Other (specify)		
		Provided by
Refrigerator		
Range/Microwave		

Signatures**Public Housing Agency****Owner**

Print or Type Name of PHA

Print or Type Name of Owner

Signature

Signature

Print or Type Name and Title of Signatory

Print or Type Name and Title of Signatory

Date (mm/dd/yyyy)

Date (mm/dd/yyyy)

Mail payments to:

Name

Address (street, city, state, zip code)

**Housing Assistance Payments Contract
(HAP Contract)
Section 8 Tenant-Based Assistance
Housing Choice Voucher Program**

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

Part B of HAP Contract: Body of Contract

1. Purpose

- a. This is a HAP contract between the PHA and the owner. The HAP contract is entered to provide assistance for the family under the Section 8 voucher program (see HUD program regulations at 24 Code of Federal Regulations Part 982).
- b. The HAP contract only applies to the household and contract unit specified in Part A of the HAP contract.
- c. During the HAP contract term, the PHA will pay housing assistance payments to the owner in accordance with the HAP contract.
- d. The family will reside in the contract unit with assistance under the Section 8 voucher program. The housing assistance payments by the PHA assist the tenant to lease the contract unit from the owner for occupancy by the family.

2. Lease of Contract Unit

- a. The owner has leased the contract unit to the tenant for occupancy by the family with assistance under the Section 8 voucher program.
- b. The PHA has approved leasing of the unit in accordance with requirements of the Section 8 voucher program.
- c. The lease for the contract unit must include word-for-word all provisions of the tenancy addendum required by HUD (Part C of the HAP contract).
- d. The owner certifies that:
 - (1) The owner and the tenant have entered into a lease of the contract unit that includes all provisions of the tenancy addendum.
 - (2) The lease is in a standard form that is used in the locality by the owner and that is generally used for other unassisted tenants in the premises.
 - (3) The lease is consistent with State and local law.
- e. The owner is responsible for screening the family's behavior or suitability for tenancy. The PHA is not responsible for such screening. The PHA has no liability or responsibility to the owner or other persons for the family's behavior or the family's conduct in tenancy.

3. Maintenance, Utilities, and Other Services

- a. The owner must maintain the contract unit and premises in accordance with the housing quality standards (HQS).
- b. The owner must provide all utilities needed to comply with the HQS.
- c. If the owner does not maintain the contract unit in accordance with the HQS, or fails to provide all utilities needed to comply with the HQS, the PHA may exercise any available remedies. PHA remedies for such breach include recovery of overpayments, suspension of housing assistance payments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the

HAP contract. The PHA may not exercise such remedies against the owner because of an HQS breach for which the family is responsible, and that is not caused by the owner.

- d. The PHA shall not make any housing assistance payments if the contract unit does not meet the HQS, unless the owner corrects the defect within the period specified by the PHA and the PHA verifies the correction. If a defect is life threatening, the owner must correct the defect within no more than 24 hours. For other defects, the owner must correct the defect within the period specified by the PHA.
- e. The PHA may inspect the contract unit and premises at such times as the PHA determines necessary, to ensure that the unit is in accordance with the HQS.
- f. The PHA must notify the owner of any HQS defects shown by the inspection.
- g. The owner must provide all housing services as agreed to in the lease.

4. Term of HAP Contract

- a. Relation to lease term. The term of the HAP contract begins on the first day of the initial term of the lease, and terminates on the last day of the term of the lease (including the initial lease term and any extensions).
- b. When HAP contract terminates.
 - (1) The HAP contract terminates automatically if the lease is terminated by the owner or the tenant.
 - (2) The PHA may terminate program assistance for the family for any grounds authorized in accordance with HUD requirements. If the PHA terminates program assistance for the family, the HAP contract terminates automatically.
 - (3) If the family moves from the contract unit, the HAP contract terminates automatically.
 - (4) The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.
 - (5) The PHA may terminate the HAP contract if the PHA determines, in accordance with HUD requirements, that available program funding is not sufficient to support continued assistance for families in the program.
 - (6) The HAP contract terminates automatically upon the death of a single member household, including single member households with a live-in aide.
 - (7) The PHA may terminate the HAP contract if the PHA determines that the contract unit does not provide adequate space in accordance with the HQS because of an increase in family size or a change in family composition.
 - (8) If the family breaks up, the PHA may terminate the HAP contract, or may continue housing

assistance payments on behalf of family members who remain in the contract unit.

- (9) The PHA may terminate the HAP contract if the PHA determines that the unit does not meet all requirements of the HQS, or determines that the owner has otherwise breached the HAP contract.

5. Provision and Payment for Utilities and Appliances

- a. The lease must specify what utilities are to be provided or paid by the owner or the tenant.
- b. The lease must specify what appliances are to be provided or paid by the owner or the tenant.
- c. Part A of the HAP contract specifies what utilities and appliances are to be provided or paid by the owner or the tenant. The lease shall be consistent with the HAP contract.

6. Rent to Owner: Reasonable Rent

- a. During the HAP contract term, the rent to owner may at no time exceed the reasonable rent for the contract unit as most recently determined or redetermined by the PHA in accordance with HUD requirements.
- b. The PHA must determine whether the rent to owner is reasonable in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider:
 - (1) The location, quality, size, unit type, and age of the contract unit; and
 - (2) Any amenities, housing services, maintenance and utilities provided and paid by the owner.
- c. The PHA must redetermine the reasonable rent when required in accordance with HUD requirements. The PHA may redetermine the reasonable rent at any time.
- d. During the HAP contract term, the rent to owner may not exceed rent charged by the owner for comparable unassisted units in the premises. The owner must give the PHA any information requested by the PHA on rents charged by the owner for other units in the premises or elsewhere.

7. PHA Payment to Owner

- a. When paid
 - (1) During the term of the HAP contract, the PHA must make monthly housing assistance payments to the owner on behalf of the family at the beginning of each month.
 - (2) The PHA must pay housing assistance payments promptly when due to the owner.
 - (3) If housing assistance payments are not paid promptly when due after the first two calendar months of the HAP contract term, the PHA shall pay the owner penalties if all of the following circumstances apply: (i) Such penalties are in accordance with generally accepted practices and law, as applicable in the local housing market, governing penalties for late payment of rent by a tenant; (ii) It is the owner's practice to charge such penalties for assisted and unassisted tenants; and (iii) The owner also charges such penalties against the tenant for late payment of family rent to owner. However, the PHA shall not be obligated to pay any late payment penalty if HUD determines that late payment by the

PHA is due to factors beyond the PHA's control. Moreover, the PHA shall not be obligated to pay any late payment penalty if housing assistance payments by the PHA are delayed or denied as a remedy for owner breach of the HAP contract (including any of the following PHA remedies: recovery of overpayments, suspension of housing assistance payments, abatement or reduction of housing assistance payments, termination of housing assistance payments and termination of the contract).

- (4) Housing assistance payments shall only be paid to the owner while the family is residing in the contract unit during the term of the HAP contract. The PHA shall not pay a housing assistance payment to the owner for any month after the month when the family moves out.
- b. **Owner compliance with HAP contract** Unless the owner has complied with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments under the HAP contract.
 - c. **Amount of PHA payment to owner**
 - (1) The amount of the monthly PHA housing assistance payment to the owner shall be determined by the PHA in accordance with HUD requirements for a tenancy under the voucher program.
 - (2) The amount of the PHA housing assistance payment is subject to change during the HAP contract term in accordance with HUD requirements. The PHA must notify the family and the owner of any changes in the amount of the housing assistance payment.
 - (3) The housing assistance payment for the first month of the HAP contract term shall be pro-rated for a partial month.
 - d. **Application of payment** The monthly housing assistance payment shall be credited against the monthly rent to owner for the contract unit.
 - e. **Limit of PHA responsibility**
 - (1) The PHA is only responsible for making housing assistance payments to the owner in accordance with the HAP contract and HUD requirements for a tenancy under the voucher program.
 - (2) The PHA shall not pay any portion of the rent to owner in excess of the housing assistance payment. The PHA shall not pay any other claim by the owner against the family.
 - f. **Overpayment to owner** If the PHA determines that the owner is not entitled to the housing assistance payment or any part of it, the PHA, in addition to other remedies, may deduct the amount of the overpayment from any amounts due the owner (including amounts due under any other Section 8 assistance contract).

8. Owner Certification

During the term of this contract, the owner certifies that:

- a. The owner is maintaining the contract unit and premises in accordance with the HQS.
- b. The contract unit is leased to the tenant. The lease includes the tenancy addendum (Part C of the HAP

contract), and is in accordance with the HAP contract and program requirements. The owner has provided the lease to the PHA, including any revisions of the lease.

- c. The rent to owner does not exceed rents charged by the owner for rental of comparable unassisted units in the premises.
- d. Except for the rent to owner, the owner has not received and will not receive any payments or other consideration (from the family, the PHA, HUD, or any other public or private source) for rental of the contract unit during the HAP contract term.
- e. The family does not own or have any interest in the contract unit.
- f. To the best of the owner's knowledge, the members of the family reside in the contract unit, and the unit is the family's only residence.
- g. The owner (including a principal or other interested party) is not the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

9. Prohibition of Discrimination. In accordance with applicable equal opportunity statutes, Executive Orders, and regulations:

- a. The owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the HAP contract. Eligibility for HUD's programs must be made without regard to actual or perceived sexual orientation, gender identity, or marital status.
- b. The owner must cooperate with the PHA and HUD in conducting equal opportunity compliance reviews and complaint investigations in connection with the HAP contract.
- c. Violence Against Women Act. The owner must comply with the Violence Against Women Act, as amended, and HUD's implementing regulation at 24 CFR part 5, Subpart L, and program regulations.

10. Owner's Breach of HAP Contract

- a. Any of the following actions by the owner (including a principal or other interested party) is a breach of the HAP contract by the owner:
 - (1) If the owner has violated any obligation under the HAP contract, including the owner's obligation to maintain the unit in accordance with the HQS.
 - (2) If the owner has violated any obligation under any other housing assistance payments contract under Section 8.
 - (3) If the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing assistance program.
 - (4) For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulations for the applicable mortgage insurance or loan program, with the mortgage or mortgage note, or with the regulatory agreement; or if the owner has committed fraud, bribery or any other corrupt or

criminal act in connection with the mortgage or loan.

- (5) If the owner has engaged in any drug-related criminal activity or any violent criminal activity.

- b. If the PHA determines that a breach has occurred, the PHA may exercise any of its rights and remedies under the HAP contract, or any other available rights and remedies for such breach. The PHA shall notify the owner of such determination, including a brief statement of the reasons for the determination. The notice by the PHA to the owner may require the owner to take corrective action, as verified or determined by the PHA, by a deadline prescribed in the notice.
- c. The PHA's rights and remedies for owner breach of the HAP contract include recovery of overpayments, suspension of housing assistance payments, abatement or other reduction of housing assistance payments, termination of housing assistance payments, and termination of the HAP contract.
- d. The PHA may seek and obtain additional relief by judicial order or action, including specific performance, other injunctive relief or order for damages.
- e. Even if the family continues to live in the contract unit, the PHA may exercise any rights and remedies for owner breach of the HAP contract.
- f. The PHA's exercise or non-exercise of any right or remedy for owner breach of the HAP contract is not a waiver of the right to exercise that or any other right or remedy at any time.

11. PHA and HUD Access to Premises and Owner's Records

- a. The owner must provide any information pertinent to the HAP contract that the PHA or HUD may reasonably require.
- b. The PHA, HUD and the Comptroller General of the United States shall have full and free access to the contract unit and the premises, and to all accounts and other records of the owner that are relevant to the HAP contract, including the right to examine or audit the records and to make copies.
- c. The owner must grant such access to computerized or other electronic records, and to any computers, equipment or facilities containing such records, and must provide any information or assistance needed to access the records.

12. Exclusion of Third Party Rights

- a. The family is not a party to or third party beneficiary of Part B of the HAP contract. The family may not enforce any provision of Part B, and may not exercise any right or remedy against the owner or PHA under Part B.
- b. The tenant or the PHA may enforce the tenancy addendum (Part C of the HAP contract) against the owner, and may exercise any right or remedy against the owner under the tenancy addendum.
- c. The PHA does not assume any responsibility for injury to, or any liability to, any person injured as a result of the owner's action or failure to act in connection with management of the contract unit or the premises or with implementation of the HAP contract, or as a result of any other action or failure to act by the owner.
- d. The owner is not the agent of the PHA, and the HAP contract does not create or affect any relationship between the PHA and any lender to the owner or any suppliers, employees, contractors or subcontractors used

by the owner in connection with management of the contract unit or the premises or with implementation of the HAP contract.

13. Conflict of Interest

- a. "Covered individual" means a person or entity who is a member of any of the following classes:
 - (1) Any present or former member or officer of the PHA (except a PHA commissioner who is a participant in the program);
 - (2) Any employee of the PHA, or any contractor, sub-contractor or agent of the PHA, who formulates policy or who influences decisions with respect to the program;
 - (3) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the program; or
 - (4) Any member of the Congress of the United States.
- b. A covered individual may not have any direct or indirect interest in the HAP contract or in any benefits or payments under the contract (including the interest of an immediate family member of such covered individual) while such person is a covered individual or during one year thereafter.
- c. "Immediate family member" means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother) of any covered individual.
- d. The owner certifies and is responsible for assuring that no person or entity has or will have a prohibited interest, at execution of the HAP contract, or at any time during the HAP contract term.
- e. If a prohibited interest occurs, the owner shall promptly and fully disclose such interest to the PHA and HUD.
- f. The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.
- g. No member of or delegate to the Congress of the United States or resident commissioner shall be admitted to any share or part of the HAP contract or to any benefits which may arise from it.

14. Assignment of the HAP Contract

- a. The owner may not assign the HAP contract to a new owner without the prior written consent of the PHA.
- b. If the owner requests PHA consent to assign the HAP contract to a new owner, the owner shall supply any information as required by the PHA pertinent to the proposed assignment.
- c. The HAP contract may not be assigned to a new owner that is debarred, suspended or subject to a limited denial of participation under HUD regulations (see 24 Code of Federal Regulations Part 24).
- d. The HAP contract may not be assigned to a new owner if HUD has prohibited such assignment because:
 - (1) The Federal government has instituted an administrative or judicial action against the owner or proposed new owner for violation of the Fair Housing Act or other Federal equal opportunity requirements, and such action is pending; or

- (2) A court or administrative agency has determined that the owner or proposed new owner violated the Fair Housing Act or other Federal equal opportunity requirements.

- e. The HAP contract may not be assigned to a new owner if the new owner (including a principal or other interested party) is the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the family of such determination) that approving the assignment, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.
- f. The PHA may deny approval to assign the HAP contract if the owner or proposed new owner (including a principal or other interested party):
 - (1) Has violated obligations under a housing assistance payments contract under Section 8;
 - (2) Has committed fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program;
 - (3) Has engaged in any drug-related criminal activity or any violent criminal activity;
 - (4) Has a history or practice of non-compliance with the HQS for units leased under the Section 8 tenant-based programs, or non-compliance with applicable housing standards for units leased with project-based Section 8 assistance or for units leased under any other Federal housing program;
 - (5) Has a history or practice of failing to terminate tenancy of tenants assisted under any Federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
 - (a) Threatens the right to peaceful enjoyment of the premises by other residents;
 - (b) Threatens the health or safety of other residents, of employees of the PHA, or of owner employees or other persons engaged in management of the housing;
 - (c) Threatens the health or safety of, or the right to peaceful enjoyment of their residents by, persons residing in the immediate vicinity of the premises; or
 - (d) Is drug-related criminal activity or violent criminal activity;
 - (6) Has a history or practice of renting units that fail to meet State or local housing codes; or
 - (7) Has not paid State or local real estate taxes, fines or assessments.
- g. The new owner must agree to be bound by and comply with the HAP contract. The agreement must be in writing, and in a form acceptable to the PHA. The new owner must give the PHA a copy of the executed agreement.

15. Reserved

16. Written Notices Any notice by the PHA or the owner in connection with this contract must be in writing.

17. Entire Agreement: Interpretation

- a. The HAP contract contains the entire agreement between the owner and the PHA.
- b. The HAP contract shall be interpreted and implemented in accordance with all statutory requirements, and with all HUD requirements, including the HUD program regulations at 24 Code of Federal Regulations Part 982.

**Housing Assistance Payments Contract
(HAP Contract)
Section 8 Tenant-Based Assistance
Housing Choice Voucher Program**

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

Part C of HAP Contract: Tenancy Addendum

1. Section 8 Voucher Program

- a. The owner is leasing the contract unit to the tenant for occupancy by the tenant's family with assistance for a tenancy under the Section 8 housing choice voucher program (voucher program) of the United States Department of Housing and Urban Development (HUD).
- b. The owner has entered into a Housing Assistance Payments Contract (HAP contract) with the PHA under the voucher program. Under the HAP contract, the PHA will make housing assistance payments to the owner to assist the tenant in leasing the unit from the owner.

2. Lease

- a. The owner has given the PHA a copy of the lease, including any revisions agreed by the owner and the tenant. The owner certifies that the terms of the lease are in accordance with all provisions of the HAP contract and that the lease includes the tenancy addendum.
- b. The tenant shall have the right to enforce the tenancy addendum against the owner. If there is any conflict between the tenancy addendum and any other provisions of the lease, the language of the tenancy addendum shall control.

3. Use of Contract Unit

- a. During the lease term, the family will reside in the contract unit with assistance under the voucher program.
- b. The composition of the household must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. Other persons may not be added to the household without prior written approval of the owner and the PHA.
- c. The contract unit may only be used for residence by the PHA-approved household members. The unit must be the family's only residence. Members of the household may engage in legal profit making activities incidental to primary use of the unit for residence by members of the family.
- d. The tenant may not sublease or let the unit.
- e. The tenant may not assign the lease or transfer the unit.

4. Rent to Owner

- a. The initial rent to owner may not exceed the amount approved by the PHA in accordance with HUD requirements.
- b. Changes in the rent to owner shall be determined by the provisions of the lease. However, the owner may not raise the rent during the initial term of the lease.
- c. During the term of the lease (including the initial term of the lease and any extension term), the rent to owner may at no time exceed:
 - (1) The reasonable rent for the unit as most recently determined or redetermined by the PHA in accordance with HUD requirements, or

- (2) Rent charged by the owner for comparable unassisted units in the premises.

5. Family Payment to Owner

- a. The family is responsible for paying the owner any portion of the rent to owner that is not covered by the PHA housing assistance payment.
- b. Each month, the PHA will make a housing assistance payment to the owner on behalf of the family in accordance with the HAP contract. The amount of the monthly housing assistance payment will be determined by the PHA in accordance with HUD requirements for a tenancy under the Section 8 voucher program.
- c. The monthly housing assistance payment shall be credited against the monthly rent to owner for the contract unit.
- d. The tenant is not responsible for paying the portion of rent to owner covered by the PHA housing assistance payment under the HAP contract between the owner and the PHA. A PHA failure to pay the housing assistance payment to the owner is not a violation of the lease. The owner may not terminate the tenancy for nonpayment of the PHA housing assistance payment.
- e. The owner may not charge or accept, from the family or from any other source, any payment for rent of the unit in addition to the rent to owner. Rent to owner includes all housing services, maintenance, utilities and appliances to be provided and paid by the owner in accordance with the lease.
- f. The owner must immediately return any excess rent payment to the tenant.

6. Other Fees and Charges

- a. Rent to owner does not include cost of any meals or supportive services or furniture which may be provided by the owner.
- b. The owner may not require the tenant or family members to pay charges for any meals or supportive services or furniture which may be provided by the owner. Nonpayment of any such charges is not grounds for termination of tenancy.
- c. The owner may not charge the tenant extra amounts for items customarily included in rent to owner in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

7. Maintenance, Utilities, and Other Services

a. Maintenance

- (1) The owner must maintain the unit and premises in accordance with the HQS.
- (2) Maintenance and replacement (including redecoration) must be in accordance with the standard practice for the building concerned as established by the owner.

b. Utilities and appliances

- (1) The owner must provide all utilities needed to comply with the HQS.

- (2) The owner is not responsible for a breach of the HQS caused by the tenant's failure to:
 - (a) Pay for any utilities that are to be paid by the tenant.
 - (b) Provide and maintain any appliances that are to be provided by the tenant.
- c. **Family damage.** The owner is not responsible for a breach of the HQS because of damages beyond normal wear and tear caused by any member of the household or by a guest.
- d. **Housing services.** The owner must provide all housing services as agreed to in the lease.

8. Termination of Tenancy by Owner

- a. **Requirements.** The owner may only terminate the tenancy in accordance with the lease and HUD requirements.
- b. **Grounds.** During the term of the lease (the initial term of the lease or any extension term), the owner may only terminate the tenancy because of:
 - (1) Serious or repeated violation of the lease;
 - (2) Violation of Federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the unit and the premises;
 - (3) Criminal activity or alcohol abuse (as provided in paragraph c); or
 - (4) Other good cause (as provided in paragraph d).
- c. **Criminal activity or alcohol abuse.**
 - (1) The owner may terminate the tenancy during the term of the lease if any member of the household, a guest or another person under a resident's control commits any of the following types of criminal activity:
 - (a) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);
 - (b) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
 - (c) Any violent criminal activity on or near the premises; or
 - (d) Any drug-related criminal activity on or near the premises.
 - (2) The owner may terminate the tenancy during the term of the lease if any member of the household is:
 - (a) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
 - (b) Violating a condition of probation or parole under Federal or State law.

- (3) The owner may terminate the tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.
- (4) The owner may terminate the tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
- d. **Other good cause for termination of tenancy**
 - (1) During the initial lease term, other good cause for termination of tenancy must be something the family did or failed to do.
 - (2) During the initial lease term or during any extension term, other good cause may include:
 - (a) Disturbance of neighbors,
 - (b) Destruction of property, or
 - (c) Living or housekeeping habits that cause damage to the unit or premises.
 - (3) After the initial lease term, such good cause may include:
 - (a) The tenant's failure to accept the owner's offer of a new lease or revision;
 - (b) The owner's desire to use the unit for personal or family use or for a purpose other than use as a residential rental unit; or
 - (c) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, the owner's desire to rent the unit for a higher rent).
 - (d) The examples of other good cause in this paragraph do not preempt any State or local laws to the contrary.

9. Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

- a. **Purpose:** This section incorporates the protections for victims of domestic violence, dating violence, sexual assault, or stalking in accordance with subtitle N of the Violence Against Women Act of 1994, as amended (codified as amended at 42 U.S.C. 14043e et seq.) (VAWA) and implementing regulations at 24 CFR part 5, subpart L.
- b. **Conflict with other Provisions:** In the event of any conflict between this provision and any other provisions included in Part C of the HAP contract, this provision shall prevail.

- c. **Effect on Other Protections:** Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.
- d. **Definition:** As used in this Section, the terms “actual and imminent threat,” “affiliated individual,” “bifurcate,” “dating violence,” “domestic violence,” “sexual assault,” and “stalking” are defined in HUD’s regulations at 24 CFR part 5, subpart L. The terms “Household” and “Other Person Under the Tenant’s Control” are defined at 24 CFR part 5, subpart A.
- e. **VAWA Notice and Certification Form:** The PHA shall provide the tenant with the “Notice of Occupancy Rights under VAWA and the certification form described under 24 CFR 5.2005(a)(1) and (2).
- f. **Protection for victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking:**
 - (1) The landlord or the PHA will not deny admission to, deny assistance under, terminate from participation in, or evict the Tenant on the basis of or as a direct result of the fact that the Tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the Tenant otherwise qualifies for admission, assistance, participation, or occupancy. 24 CFR 5.2005(b)(1).
 - (2) The tenant shall not be denied tenancy or occupancy rights solely on the basis of criminal activity engaged in by a member of the Tenant’s Household or any guest or Other Person Under the Tenant’s Control, if the criminal activity is directly related to domestic violence, dating violence, sexual assault, or stalking, and the Tenant or an Affiliated Individual of the Tenant is the victim or the threatened victim of domestic violence, dating violence, sexual assault, or stalking. 24 CFR 5.2005(b)(2).
 - (3) An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of the incident. Nor shall it not be construed as other “good cause” for termination of the lease, tenancy, or occupancy rights of such a victim or threatened victim. 24 CFR 5.2005(c)(1) and (c)(2).
- g. **Compliance with Court Orders:** Nothing in this Addendum will limit the authority of the landlord, when notified by a court order, to comply with the court order with respect to the rights of access or control of property (including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking) or with respect to the distribution or possession of property among members of the Tenant’s Household. 24 CFR 5.2005(d)(1).
- h. **Violations Not Premised on Domestic Violence, Dating Violence, Sexual Assault, or Stalking:** Nothing in this section shall be construed to limit any otherwise available authority of the Landlord to evict or the public housing authority to terminate the assistance of a Tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the Tenant or an Affiliated Individual of the Tenant.

However, the Landlord or the PHA will not subject the tenant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, to a more demanding standard than other tenants in determining whether to evict or terminate assistance. 24 CFR 5.2005(d)(2).

i. Actual and Imminent Threats:

- (1) Nothing in this section will be construed to limit the authority of the Landlord to evict the Tenant if the Landlord can demonstrate that an “actual and imminent threat” to other tenants or those employed at or providing service to the property would be present if the Tenant or lawful occupant is not evicted. In this context, words, gestures, actions, or other indicators will be construed as an actual and imminent threat if they meet the following standards for an actual and imminent threat: “Actual and imminent threat” refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. 24 CFR 5.2005(d)(3).
- (2) If an actual and imminent threat is demonstrated, eviction should be used only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence, developing other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents. 24 CFR 5.2005(d)(4).

- j. **Emergency Transfer:** A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking may request an emergency transfer in accordance with the PHA’s emergency transfer plan. 24 CFR 5.2005(e). The PHA’s emergency transfer plan must be made available upon request, and incorporate strict confidentiality measures to ensure that the PHA does not disclose a tenant’s dwelling unit location to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant;

For transfers in which the tenant would not be considered a new applicant, the PHA must ensure that a request for an emergency transfer receives, at a minimum, any applicable additional priority that is already provided to other types of emergency transfer requests. For transfers in which the tenant would be considered a new applicant, the plan must include policies for assisting a tenant with this transfer.

- k. **Bifurcation:** Subject to any lease termination requirements or procedures prescribed by Federal, State, or local law, if any member of the Tenant’s Household engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, the Landlord may “bifurcate” the Lease, or remove that Household member from the Lease, without regard to whether that Household member is a signatory to the Lease, in order to evict, remove, or terminate the occupancy rights of that Household member without evicting, removing, or otherwise

penalizing the victim of the criminal activity who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the housing choice voucher program. 24 CFR 5.2009(a).

If the Landlord bifurcates the Lease to evict, remove, or terminate assistance to a household member, and that household member is the sole tenant eligible to receive assistance, the landlord shall provide any remaining tenants or residents a period of 30 calendar days from the date of bifurcation of the lease to:

- (1) Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease;
 - (2) Establish eligibility under another covered housing program; or
 - (3) Find alternative housing.
- l. **Family Break-up:** If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. 24 CFR 982.315.
- m. **Move with Continued Assistance:** The public housing agency may not terminate assistance to a family or member of the family that moves out of a unit in violation of the lease, with or without prior notification to the public housing agency if such a move occurred to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking; and who reasonably believed they were imminently threatened by harm from further violence if they remained in the dwelling unit, or if any family member has been the victim of sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move.
- (1) The move is needed to protect the health or safety of the family or family member who is or has been a victim of domestic violence dating violence, sexual assault or stalking; and
 - (2) The family or member of the family reasonably believes that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit. However, any family member that has been the victim of a sexual assault that occurred on the premises during the 90-calendar day period preceding the family's move or request to move is not required to believe that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit. 24 CFR 982.354.
- n. **Confidentiality.**
- (1) The Landlord shall maintain in strict confidence any information the Tenant (or someone acting on behalf of the Tenant) submits to the Landlord concerning incidents of domestic violence, dating violence, sexual assault or stalking, including the fact that the tenant is a victim of domestic violence, dating violence, sexual assault, or stalking.
 - (2) The Landlord shall not allow any individual administering assistance on its behalf, or any persons within its employ, to have access to confidential information unless explicitly authorized by the Landlord for reasons that specifically call for these individuals to have access to the information pursuant to applicable Federal, State, or local law.
 - (3) The Landlord shall not enter confidential information into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is requested or consented to in writing by the individual in a

time-limited release; required for use in an eviction proceeding; or is required by applicable law.

10. Eviction by court action

The owner may only evict the tenant by a court action.

11. Owner notice of grounds

- (1) At or before the beginning of a court action to evict the tenant, the owner must give the tenant a notice that specifies the grounds for termination of tenancy. The notice may be included in or combined with any owner eviction notice.
- (2) The owner must give the PHA a copy of any owner eviction notice at the same time the owner notifies the tenant.
- (3) Eviction notice means a notice to vacate, or a complaint or other initial pleading used to begin an eviction action under State or local law.

12. Lease: Relation to HAP Contract

If the HAP contract terminates for any reason, the lease terminates automatically.

13. PHA Termination of Assistance

The PHA may terminate program assistance for the family for any grounds authorized in accordance with HUD requirements. If the PHA terminates program assistance for the family, the lease terminates automatically.

14. Family Move Out

The tenant must notify the PHA and the owner before the family moves out of the unit.

15. Security Deposit

- a. The owner may collect a security deposit from the tenant. (However, the PHA may prohibit the owner from collecting a security deposit in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. Any such PHA-required restriction must be specified in the HAP contract.)
- b. When the family moves out of the contract unit, the owner, subject to State and local law, may use the security deposit, including any interest on the deposit, as reimbursement for any unpaid rent payable by the tenant, any damages to the unit or any other amounts that the tenant owes under the lease.
- c. The owner must give the tenant a list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must promptly refund the full amount of the unused balance to the tenant.
- d. If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may collect the balance from the tenant.

16. Prohibition of Discrimination

In accordance with applicable equal opportunity statutes, Executive Orders, and regulations, the owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status or disability in connection with the lease. Eligibility for HUD's programs must be made without regard to actual or perceived sexual orientation, gender identity, or marital status.

17. Conflict with Other Provisions of Lease

- a. The terms of the tenancy addendum are prescribed by HUD in accordance with Federal law and

regulation, as a condition for Federal assistance to the tenant and tenant's family under the Section 8 voucher program.

- b. In case of any conflict between the provisions of the tenancy addendum as required by HUD, and any other provisions of the lease or any other agreement between the owner and the tenant, the requirements of the HUD-required tenancy addendum shall control.

18. Changes in Lease or Rent

- a. The tenant and the owner may not make any change in the tenancy addendum. However, if the tenant and the owner agree to any other changes in the lease, such changes must be in writing, and the owner must immediately give the PHA a copy of such changes. The lease, including any changes, must be in accordance with the requirements of the tenancy addendum.
- b. In the following cases, tenant-based assistance shall not be continued unless the PHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner:
 - (1) If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;
 - (2) If there are any changes in lease provisions governing the term of the lease;
 - (3) If the family moves to a new unit, even if the unit is in the same building or complex.
- c. PHA approval of the tenancy, and execution of a new HAP contract, are not required for agreed changes in the lease other than as specified in paragraph b.
- d. The owner must notify the PHA of any changes in the amount of the rent to owner at least sixty days before any such changes go into effect, and the amount of the rent to owner following any such agreed change may not exceed the reasonable rent for the unit as most recently determined or redetermined by the PHA in accordance with HUD requirements.

19. Notices

Any notice under the lease by the tenant to the owner or by the owner to the tenant must be in writing.

20. Definitions

Contract unit. The housing unit rented by the tenant with assistance under the program.

Family. The persons who may reside in the unit with assistance under the program.

HAP contract. The housing assistance payments contract between the PHA and the owner. The PHA pays housing assistance payments to the owner in accordance with the HAP contract.

Household. The persons who may reside in the contract unit. The household consists of the family and any PHA-approved live-in aide. (A live-in aide is a person who resides in the unit to provide necessary supportive services for a member of the family who is a person with disabilities.)

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the Section 8 tenant-based programs.

HUD. The U.S. Department of Housing and Urban Development.

HUD requirements. HUD requirements for the Section 8 program. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

Lease. The written agreement between the owner and the tenant for the lease of the contract unit to the tenant. The lease includes the tenancy addendum prescribed by HUD.

PHA. Public Housing Agency.

Premises. The building or complex in which the contract unit is located, including common areas and grounds.

Program. The Section 8 housing choice voucher program.

Rent to owner. The total monthly rent payable to the owner for the contract unit. The rent to owner is the sum of the portion of rent payable by the tenant plus the PHA housing assistance payment to the owner.

Section 8. Section 8 of the United States Housing Act of 1937 (42 United States Code 1437f).

Tenant. The family member (or members) who leases the unit from the owner.

Voucher program. The Section 8 housing choice voucher program. Under this program, HUD provides funds to a PHA for rent subsidy on behalf of eligible families. The tenancy under the lease will be assisted with rent subsidy for a tenancy under the voucher program.

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Voucher (HUD-52646)

Voucher Housing Choice Voucher Program

U.S. Department of Housing and Urban Development Office of Public and Indian Housing

OMB No. 2577-0169
(exp. 07/31/2022)

Public Reporting Burden for this collection of information is estimated to average 0.05 hours 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 agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number. Assurances of confidentiality are not provided under this collection. This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to authorize a family to look for an eligible unit and specifies the size of the unit. The information also sets forth the family's obligations under the Housing Choice Voucher Program.

Privacy Act Statement. The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). Collection of family members' names is mandatory. The information is used to authorize a family to look for an eligible unit and specifies the size of the unit. The information also sets forth the family's obligations under the Housing Choice Voucher Program. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of family voucher issuance.

Please read entire document before completing form Fill in all blanks below. Type or print clearly.		Voucher Number
1. Insert unit size in number of bedrooms. (This is the number of bedrooms for which the Family qualifies, and is used in determining the amount of assistance to be paid on behalf of the Family to the owner.)		1. Unit Size
2. Date Voucher Issued (mm/dd/yyyy) Insert actual date the Voucher is issued to the Family.		2. Issue Date (mm/dd/yyyy)
3. Date Voucher Expires (mm/dd/yyyy) must be at least sixty days after date issued. Voucher is issued. (See Section 6 of this form.)		3. Expiration Date (mm/dd/yyyy)
4. Date Extension Expires (if applicable)(mm/dd/yyyy) (See Section 6. of this form)		4. Date Extension Expires (mm/dd/yyyy)
5. Name of Family Representative	6. Signature of Family Representative	Date Signed (mm/dd/yyyy)
7. Name of Public Housing Agency (PHA)		
8. Name and Title of PHA Official	9. Signature of PHA Official	Date Signed (mm/dd/yyyy)

1. Housing Choice Voucher Program

- A. The public housing agency (PHA) has determined that the above named family (item 5) is eligible to participate in the housing choice voucher program. Under this program, the family chooses a decent, safe and sanitary unit to live in. If the owner agrees to lease the unit to the family under the housing choice voucher program, and if the PHA approves the unit, the PHA will enter into a housing assistance payments (HAP) contract with the owner to make monthly payments to the owner to help the family pay the rent.
- B. The PHA determines the amount of the monthly housing assistance payment to be paid to the owner. Generally, the monthly housing assistance payment by the PHA is the difference between the applicable payment standard and 30 percent of monthly adjusted family income. In determining the maximum initial housing assistance payment for the family, the PHA will use the payment standard in effect on the date the tenancy is approved by the PHA. The family may choose to rent a unit for more than the payment standard, but this choice does not change the amount of the PHA's assistance payment. The actual amount of the PHA's assistance payment will be determined using the gross rent for the unit selected by the family.

2. Voucher

- A. When issuing this voucher the PHA expects that if the family finds an approvable unit, the PHA will have the money available to enter into a HAP contract with the owner. However, the PHA is under no obligation to the family, to any owner, or to any other person, to approve a tenancy. The PHA does not have any liability to any party by the issuance of this voucher.
- B. The voucher does not give the family any right to participate in the PHA's housing choice voucher program. The family becomes a participant in the PHA's housing choice voucher program when the HAP contract between the PHA and the owner takes effect.
- C. During the initial or any extended term of this voucher, the PHA may require the family to report progress in leasing a unit at such intervals and times as determined by the PHA.

3. PHA Approval or Disapproval of Unit or Lease

- A. When the family finds a suitable unit where the owner is willing to participate in the program, the family must give the PHA the request for tenancy approval (on the form supplied by the PHA), signed by the owner and the family, and a copy of the lease, including the HUD-prescribed tenancy addendum. **Note: Both documents must be given to the PHA no later than the expiration date stated in item 3 or 4 on top of page one of this voucher.**
- B. The family must submit these documents in the manner that is required by the PHA. PHA policy may prohibit the family from submitting more than one request for tenancy approval at a time.

The lease must include, word-for-word, all provisions of the tenancy addendum required by HUD and supplied by the PHA. This is done by adding the HUD tenancy addendum to the lease used by the owner. If there is a difference between any provisions of the HUD tenancy addendum and any provisions of the owner's lease, the provisions of the HUD tenancy addendum shall control.

- D. After receiving the request for tenancy approval and a copy of the lease, the PHA will inspect the unit. The PHA may not give approval for the family to lease the unit or execute the HAP contract until the PHA has determined that all the following program requirements are met: the unit is eligible; the unit has been inspected by the PHA and passes the housing quality standards (HQS); the rent is reasonable; and the landlord and tenant have executed the lease including the HUD-prescribed tenancy addendum.
- E. If the PHA approves the unit, the PHA will notify the family and the owner, and will furnish two copies of the HAP contract to the owner.
 - 1. The owner and the family must execute the lease.
 - 2. The owner must sign both copies of the HAP contract and must furnish to the PHA a copy of the executed lease and both copies of the executed HAP contract.
 - 3. The PHA will execute the HAP contract and return an executed copy to the owner.
- F. If the PHA determines that the unit or lease cannot be approved for any reason, the PHA will notify the owner and the family that:
 - 1. The proposed unit or lease is disapproved for specified reasons, and
 - 2. If the conditions requiring disapproval are remedied to the satisfaction of the PHA on or before the date specified by the PHA, the unit or lease will be approved.

4. Obligations of the Family

- A. When the family's unit is approved and the HAP contract is executed, the family must follow the rules listed below in order to continue participating in the housing choice voucher program.
- B. The family must:
 - 1. Supply any information that the PHA or HUD determines to be necessary including evidence of citizenship or eligible immigration status, and information for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
 - 2. Disclose and verify social security numbers and sign and submit consent forms for obtaining information.
 - 3. Supply any information requested by the PHA to verify that the family is living in the unit or information related to family absence from the unit.
 - 4. Promptly notify the PHA in writing when the family is away from the unit for an extended period of time in accordance with PHA policies.
 - 5. Allow the PHA to inspect the unit at reasonable times and after reasonable notice.
 - 6. Notify the PHA and the owner in writing before moving out of the unit or terminating the lease.
 - 7. Use the assisted unit for residence by the family. The unit must be the family's only residence.
 - 8. Promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child.
 - 9. Request PHA written approval to add any other family member as an occupant of the unit.
 - 10. Promptly notify the PHA in writing if any family member no longer lives in the unit. Give the PHA a copy of any owner eviction notice.
 - 11. Pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease.
- C. Any information the family supplies must be true and complete.
- D. The family (including each family member) must not:
 - 1. Own or have any interest in the unit (other than in a cooperative, or the owner of a manufactured home leasing a manufactured home space).
 - 2. Commit any serious or repeated violation of the lease.
 - 3. Commit fraud, bribery or any other corrupt or criminal act in connection with the program.
 - 4. Engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
 - 5. Sublease or let the unit or assign the lease or transfer the unit.

6. Receive housing choice voucher program housing assistance while receiving another housing subsidy, for the same unit or a different unit under any other Federal, State or local housing assistance program.
7. Damage the unit or premises (other than damage from ordinary wear and tear) or permit any guest to damage the unit or premises.
8. Receive housing choice voucher program housing assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.
9. Engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises

5. Illegal Discrimination

If the family has reason to believe that, in its search for suitable housing, it has been discriminated against on the basis of age, race, color, religion, sex, disability, national origin, or familial status, the family may file a housing discrimination complaint with any HUD Field Office in person, by mail, or by telephone. The PHA will give the family information on how to fill out and file a complaint.

6. Expiration and Extension of Voucher

The voucher will expire on the date stated in item 3 on the top of page one of this voucher unless the family requests an extension in writing and the PHA grants a written extension of the voucher in which case the voucher will expire on the date stated in item 4. At its discretion, the PHA may grant a family's request for one or more extensions of the initial term.

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Request for Tenancy Approval (HUD-52517)

Request for Tenancy Approval

Housing Choice Voucher Program

U.S Department of Housing and Urban Development

Office of Public and Indian Housing

OMB Approval No. 2577-0169

exp. 7/31/2022

The public reporting burden for this information collection is estimated to be 30 minutes, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The Department of Housing and Urban Development (HUD) is authorized to collect the information on this form by Section 8 of the U.S. Housing Act (42 U.S.C. 1437f). Form is only valid if it includes an OMB Control Number. HUD is committed to protecting the privacy of individuals' information stored electronically or in paper form, in accordance with federal privacy laws, guidance, and best practices. HUD expects its third-party business partners, including Public Housing Authorities, who collect, use maintain, or disseminate HUD information to protect the privacy of that information in Accordance with applicable law.

When the participant selects a unit, the owner of the unit completes this form to provide the PHA with information about the unit. The information is used to determine if the unit is eligible for rental assistance. HUD will not disclose this information except when required by law for civil, criminal, or regulatory investigations and prosecutions.

1. Name of Public Housing Agency (PHA)			2. Address of Unit (street address, unit #, city, state, zip code)		
3. Requested Lease Start Date	4. Number of Bedrooms	5. Year Constructed	6. Proposed Rent	7. Security Deposit Amt	8. Date Unit Available for Inspection
9. Structure Type ☐ Single Family Detached (one family under one roof) ☐ Semi-Detached (duplex, attached on one side) ☐ Rowhouse/Townhouse (attached on two sides) ☐ Low-rise apartment building (4 stories or fewer) ☐ High-rise apartment building (5+ stories) ☐ Manufactured Home (mobile home)			10. If this unit is subsidized, indicate type of subsidy: ☐ Section 202 ☐ Section 221(d)(3)(BMIR) ☐ Tax Credit ☐ HOME ☐ Section 236 (insured or uninsured) ☐ Section 515 Rural Development ☐ Other (Describe Other Subsidy, including any state or local subsidy) _____		

11. Utilities and Appliances

The owner shall provide or pay for the utilities/appliances indicated below by an "O". The tenant shall provide or pay for the utilities/appliances indicated below by a "T". Unless otherwise specified below, the owner shall pay for all utilities and provide the refrigerator and range/microwave.

Item	Specify fuel type	Paid by
Heating	☐ Natural gas ☐ Bottled gas ☐ Electric ☐ Heat Pump ☐ Oil ☐ Other	
Cooking	☐ Natural gas ☐ Bottled gas ☐ Electric ☐ Other	
Water Heating	☐ Natural gas ☐ Bottled gas ☐ Electric ☐ Oil ☐ Other	
Other Electric		
Water		
Sewer		
Trash Collection		
Air Conditioning		
Other (specify)		
Refrigerator		Provided by
Range/Microwave		

Previous editions are obsolete

12. Owner's Certifications

- a. The program regulation requires the PHA to certify that the rent charged to the housing choice voucher tenant is not more than the rent charged for other unassisted comparable units. Owners of projects with more than 4 units must complete the following section for most recently leased comparable unassisted units within the premises.

Address and unit number	Date Rented	Rental Amount
1.		
2.		
3.		

- b. The owner (including a principal or other interested party) is not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving leasing of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

- c. Check one of the following:

- ☐ Lead-based paint disclosure requirements do not apply because this property was built on or after January 1, 1978.
- ☐ The unit, common areas servicing the unit, and exterior painted surfaces associated with such unit or common areas have been found to be lead-based paint free by a lead-based paint inspector certified under the Federal certification program or under a federally accredited State certification program.
- ☐ A completed statement is attached containing disclosure of known information on lead-based paint and/or lead-based paint hazards in the unit, common areas or exterior painted surfaces, including a statement that the owner has provided the lead hazard information pamphlet to the family.

13. The PHA has not screened the family's behavior or suitability for tenancy. Such screening is the owner's responsibility.

14. The owner's lease must include word-for-word all provisions of the HUD tenancy addendum.

15. The PHA will arrange for inspection of the unit and will notify the owner and family if the unit is not approved.

Print or Type Name of Owner/Owner Representative		Print or Type Name of Household Head	
Owner/Owner Representative Signature		Head of Household Signature	
Business Address		Present Address	
Telephone Number	Date (mm/dd/yyyy)	Telephone Number	Date (mm/dd/yyyy)

6/3/11 Notice PIH 2011-29; HQS Inspections for the Housing Choice Voucher Program and Guidance Related to Electrical Outlets



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

Special Attention of:
Office Directors of Public Housing;
Regional Directors; Public Housing
Agencies.

Notice PIH 2011-29 (HA)

Issued: June 3, 2011

Expires: Effective until amended,
superseded, or rescinded

Cross References: PIH-2010-010

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 clarifies the 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 both 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.

D. Verification of HQS Deficiency Correction

This section provides clarification regarding the need to conduct a follow-up inspection for tenant based voucher units after a failed annual or interim inspection.

If the PHA determined from the inspection that the unit did not meet the HQS requirements, the PHA may allow the unit to pass upon verification that the HQS deficiency has been corrected. The regulation at 982.404(a)(3) states that the PHA "verifies" HQS repairs. The PHA may elect to do a reinspection to comply with 982.404(a)(3) to verify that all HQS deficiencies have been corrected. However, a reinspection is not necessary if the PHA can obtain verification through other means. For example, a PHA might accept an owner's certification that required repairs were completed and then verify that action at the next on-site inspection. Further, a PHA might tie the verification process to the severity of corrections needed and/or its experience with the owner and property. PHAs should include in the PHA's Administrative Plan how the PHA will verify the correction of HQS deficiencies.

In the case of initial inspections, the PHA is required to conduct a follow-up inspection if the unit does not pass HQS pursuant to the initial inspection. Additionally, in the case of project based vouchers, the PHA is required to conduct follow-up inspections to determine if the HQS deficiency is corrected pursuant to 24 CFR 983.103(e)(2).

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.



FIGURE 1 UNGROUNDED

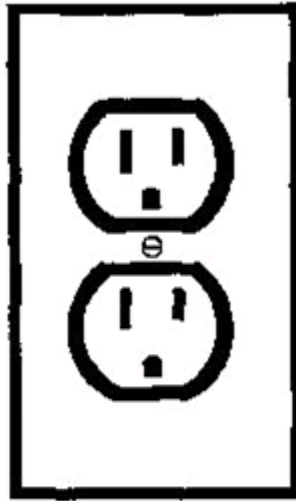


FIGURE 2 GROUNDED

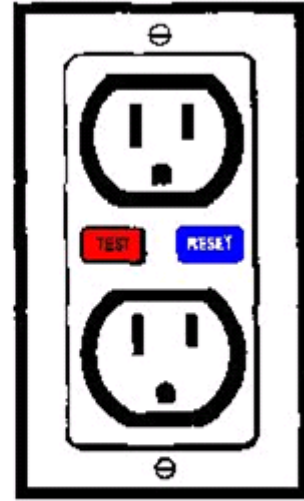


FIGURE 3 GFCI

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 (replace 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 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

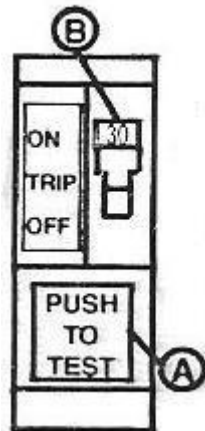
that the light shines when the inspector inserts the probes of the tester into the hot and neutral (right and left) slots.

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

C. 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

7/2/13 Notice PIH 2013-17; Housing Choice Voucher (HCV) Program — Review of Existing HQS Requirements and the Use of Photos to Improve HQS oversight



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

Special Attention of:
Executive Directors, Agency
Personnel and Independent Entities
That Conduct Housing Quality Standards
(HQS) inspections

Notice PIH 2013-17

Issued: July 2, 2013

Expires: Effective until amended,
Superseded, or Rescinded

Cross References: PIH 2011-29

Subject: Housing Choice Voucher (HCV) Program – Review of Existing HQS Requirements and the Use of Photos to Improve HQS oversight

1. **Purpose:** This purpose of this Notice is to emphasize the need for PHAs to ensure they are meeting all of their program obligations as they relate to HQS inspections and enforcement. In addition, it also offers new guidance on the use of photos during the inspection process. Photographs can be an effective tool for improving HQS oversight, including documenting specific HQS deficiencies and verifying HQS corrections.
2. **Applicability:** This notice applies to the Housing Choice Voucher (HCV) Program, including Project-Based Vouchers.
3. **HQS Inspections and Enforcement:** The Department recognizes that in the current budgetary climate, PHAs are facing a significant reduction in their administrative fees, which may, in turn, have a significant impact on staffing resources. However, even under these circumstances, it is imperative that PHAs continue to ensure that all HCV participants live in units that are HQS compliant. Vital to this effort is ensuring that all units are inspected as required, that all HQS deficiencies are properly identified, and that all deficiencies are corrected by owners and/or tenants in a timely manner and are appropriately verified by the PHA.

The use of photos in HQS inspections can be an effective tool for improving monitoring and oversight of a PHA's current HCV inventory. In particular, photos can be used in concert with the form HUD 52580 or 52580A (inspection form) to document the overall quality of the HCV unit. PHAs may also choose to use photos only to document specific HQS deficiencies identified on the inspection form, including damages or unusual circumstances. Photos are also a good tool to verify that deficiencies have been corrected properly. HCV owners can submit photos of the corrected HQS deficiencies to PHAs, thus eliminating the need for PHAs to conduct re-inspections of units. Although verification that HQS deficiencies have been properly corrected often involves a re-inspection of a unit,

a re-inspection is not necessary if the PHA can obtain sufficient verification through other means. Please note that in the case of an inspection for initial occupancy of a unit, the PHA is required to conduct a re-inspection if the unit does not pass HQS pursuant to the initial inspection. Additionally, in the case of project-based vouchers, the PHA is required to conduct re-inspections to determine if any and all HQS deficiencies have been corrected pursuant to 24 CFR 983.103(e)(2). See Notice PIH 2011-29, Section 5.D., for more information regarding the standards for verifying that HQS deficiencies have been corrected.

The Department recognizes that many PHAs may already be using photos as part of their HQS inspections, either electronically or through hard copy files. However, all PHAs, when including photos in their HQS inspections, should follow a few simple, necessary steps. Whether PHAs are storing inspection files electronically, or with hard copy files, each photo taken should (1) be clearly labeled so that the relevant content of the photo is easily identified; (2) be matched to a specific item on the inspection form along with any written description of the HQS violation; and (3) when HCV landlords submit photos they should also be clearly labeled and matched to a specific item on the form. Although PHAs cannot require HCV owners to submit photos of corrected HQS violations, it can be an effective and efficient way for corrections to be verified. PHAs, who choose to document an HQS inspection beyond specific HQS deficiencies, may wish to include date and time stamps on their photos. This can be useful in demonstrating that an inspection started and ended on a certain date and time. The best way to do this is to date/ time-stamp the first and last photos, which can depict entry and exit of the unit.

It is incumbent upon all PHAs using photos for HQS inspections to remember that protection of tenant and landlord privacy is a serious matter. In addition to an HQS deficiency or correction, some photos may contain personal effects of the participant and/or landlord. PHAs should ensure that these photos remain secure and are used only by staff or others needing access for purposes of the HQS inspection. It is recommended that photos remain within a secure file as long as a family is receiving assistance in the specific unit. By following the steps above and creating a secure storage system for all HQS photos, PHAs can guard against the release or use of photos for unintended purposes and protect landlord and participant privacy.

4. **Paperwork Reduction Act:** The information collection requirements contained in this document are approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The OMB control number is 2577-0169. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

5. **Further Information:** Any questions pertaining to the Notice may be submitted to Christopher Bailey, Housing Program Specialist, by e-mail at christopher.r.bailey@hud.gov, or by phone at (202) 402-5554.

/s/

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

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CHAPTER 12 Appendices

HQS Study Guide	12-1
HQS Master Book & Annual Revision Service Flyer	12-19
HQS Quick Check Guide Flyer	12-20
GoSection8 Flyer	12-21

STUDY GUIDE

for

HUD'S

HOUSING QUALITY STANDARDS

NAN MCKAY & ASSOCIATES, INC.
1810 Gillespie Way, Suite 202
El Cajon, CA 92020
800.783.3100
www.nanmckay.com

MISCELLANEOUS DATA FOR HQS INSPECTIONS

What are Housing Quality Standards used for? To determine decent, safe, sanitary housing.

Can the PHA elect to use a more stringent local code in lieu of Housing Quality Standards? X Yes No

If yes, who must approve the substitution? With HUD Field Office Approval

What data needs to be submitted to substitute the entire local code for Housing Quality Standards?
Comparison between HQS and local code and then
a revision to Administrative Plan covering HQS Requirements.

What relationship does the inspection date have to the HAP Contract date?
Initial inspection date must precede execution date of HAP Contract.

What are the steps to be taken if a unit passes? Pass status noted and HAP Contract executed.

What are the steps to be taken if a unit fails? Notify landlord of deficiencies and
time frame for repairs and reinspection.

Define the following terms:

Performance Standard Goal requirement of inspection for particular room

Acceptability Criteria Individual item needed to meet Performance Standard

Fail Did not pass HQS; unit cannot be put on program with a fail rating.

Pass with comment Item less than perfect but does meet HQS requirements

Tenant Preference Tenant choice regarding unit (location or location on wall of electrical outlet)

Hazard Threat to health and safety.

The "Other Rooms" inspection form is used for what rooms? Bedrooms, second bathrooms,
hallways, stairs, utility room, second living room, dining room, other.

How do you write the location of rooms on your inspection form? For example, how do you note which bedroom you are talking about so someone else could locate THAT bedroom?

Record location of room as if you were looking at front entrance to the
unit from the outside of the unit, right/left, front/rear, or floor level.

What are quality control inspections and how many have to be done?
Inspections conducted in accordance with the SEMAP formula.

GENERAL ROOM STANDARDS I

Electricity

What are the electrical requirements (i.e. how many outlets are required) for each of these rooms?

<i>Living Room</i>	Two outlets, or one outlet and one permanently installed ceiling or wall light
<i>Kitchen</i>	One outlet AND one permanently installed wall or ceiling fixture
<i>Dining Room</i>	Natural or artificial illumination
<i>Bathroom</i>	Permanent light fixture
<i>Bedroom/Sleeping room</i>	Two outlets, or one outlet & one permanently installed light fixture
<i>Interior hallway</i>	Natural or artificial

Name as many electrical hazards as you can.

- 1) Broken or frayed electrical wires
- 2) Exposed or bare metal or copper wires
- 3) Loose or improper wire connection to an outlet
- 4) Light fixture hanging from an electric wire or cord with no other firm support
- 5) Exposed fuse box connector or connections
- 6) Missing or cracked switch and/or outlet cover plate
- 7) Overloaded circuits
- 8) Rubber or plastic coated electrical wiring mounted on exterior of surface of wall
- 9) Lamp cord which is being used as a permanent part of the electrical system
- 10) Non-working outlet
- 11) Electric cords which run under rugs or other floor coverings
- 12) Improper connections, insulation or grounding of component of electrical system
- 13) Outlet or electrical heating appliance very close to a bathtub

Can tenants decide if the location of the only outlet behind the refrigerator is acceptable for the kitchen? ☒ Yes ☐ No

What should you do if you go into the unit and the electricity is turned off? Rate inconclusive, complete inspection.

What type of wiring is acceptable only in certain locations, and where is it acceptable?

Romex or NM (non-metallic wiring) is only acceptable in areas where it cannot be easily cut or damaged.

Space and Security

At a minimum, what rooms are required in a unit? Room used for sleeping, kitchen, and bathroom

What openings have to be lockable? Openings to exterior or common areas of unit

Is a chain latch ever acceptable as the only lock? ☐ Yes ☒ No

What about a sliding bolt lock on a second door to the unit? ☒ Yes ☐ No

Can you approve a unit where the tenant has to pass through the bedroom to get to the bathroom? ☒ Yes ☐ No

What are the size requirements for bedrooms? None

Are there size requirements for any other rooms? ☐ Yes ☒ No

If so, which one(s) and what are the requirements? No size requirements

Are closets required in bedrooms? ☐ Yes ☒ No

Are smoke detectors required anywhere? ☒ Yes ☐ No

If so, where? Yes, every level of unit except non-living area, ie attic

What are maximum occupancy requirements spelled out in HQS? Two persons per sleeping area

GENERAL ROOM STANDARDS II

Windows

What are the requirements for location and openability of windows for each of these rooms?

<i>Living room</i>	Requires a window, does not have to be openable
<i>Kitchen</i>	No requirements
<i>Dining room</i>	No requirements
<i>Bedroom</i>	Window is required; must be openable if designed to be openable
<i>First bathroom</i>	Ventilation; exhaust vent system required or openable window
<i>Add'l bathrooms</i>	Same as above

What causes a FAIL rating for windows? Name 4:

- 1) missing or broken panes
- 2) dangerously loose, cracked panes
- 3) windows which cannot be locked (applies only to windows that are accessible)
- 4) windows without a tight seal, allowing serious drafts to enter unit

What would be PASS WITH COMMENT items for windows? Name 4:

- 1) minor cracks in window panes (no cut hazards)
- 2) splintered sills
- 3) minor rotting in a window frame
- 4) missing putty, resulting in loose panes

Ceilings

Give five (5) examples of FAIL ratings for ceilings.

- 1) Severe bulging or cracking
- 2) Presence of large holes
- 3) Falling surface materials
- 4) Many missing parts, such as ceiling tile
- 5) Loose sections of plaster which are in danger of falling

Give five (5) examples of PASS WITH COMMENT items for Ceilings.

- 1) Small holes or cracks
- 2) Minor crumbling of plaster
- 3) Some missing or broken ceiling tiles
- 4) Water stains, with no evidence of decayed plaster
- 5) Dirty stained surfaces

Who decides whether lack of paint or other cosmetic condition is acceptable?

☒

Tenant

☐

Owner

☐

PHA

Walls

Name four (4) examples of FAIL ratings for walls.

- 1) Severe buckling, bulging, or leaning
- 2) Loose or damaged structural members
- 3) Large holes
- 4) Any holes which allow significant drafts to enter unit

How big/small can a hole be before it fails? 8-1/2 x 11

Does it matter where the hole is located?

☒

Yes

☐

No

What has to be considered? Air infiltration

Name three (3) PASS WITH COMMENT items for walls.

- 1) Small or shallow holes
- 2) Loose or missing parts
- 3) Unpainted surfaces

Floors

Name five (5) FAIL ratings for floors.

- 1) Severe buckling or major movement under walking stress
- 2) Large sections of damaged or missing parts
- 3) Holes which are approx. 4" in diameter or larger
- 4) Permanent floor covering or floor boards which present serious tripping hazards
- 5) Large cracks or holes which penetrate both the finish floor and subflooring

Name five (5) PASS WITH COMMENT items for floors.

- 1) Significant scuffing, marring or scratches in the floor finish
- 2) Minor damage to linoleum, parquet, or vinyl sheet goods floor
- 3) Damage to floor covering which could become a tripping hazard
- 4) Soiled floor coverings
- 5) Tripping hazards that are not part of the permanent floor covering

If the floor is worn, such as linoleum or vinyl sheet goods, is it okay to pass? ☒ Yes ☐ No

What extenuating circumstances might there be? As long as it is not a tripping hazard

Kitchen

What are two (2) ways a kitchen is defined?

- 1) Separate room used for meal preparation
- 2) Area of larger room used for meal preparation

What are the electrical requirements for the kitchen? One outlet AND one permanently installed light fixture

What are the window requirements? Window is not required;
if a window is present it must be free of severe deterioration or broken panes

Is a vent required over the range? ☐ Yes ☒ No

Oven or Range

Are both an oven and range with top burners required? ☒ Yes ☐ No

Are hotplates acceptable? ☐ Yes ☒ No

What if the oven or range is missing and the owner is to supply it? Fail rating

What if the gas and/or electric service is shut off? Fail rating

What if the operating knobs are missing because the tenant took them off? Fail rating

What if all but one burner works? Fail rating

Are there any size requirements for the stove? ☐ Yes ☒ No

If so, what are they? None

Name two (2) FAIL items for the stove or oven.

- 1) If owner-supplied and not present 2) Hazardous gas hook-up, strong gas smell

Name four (4) PASS WITH COMMENT items for the stove or oven.

- 1) Minor broken or missing parts 3) Limited size relative to needs of family
2) Marked, dented or scratched surfaces 4) Cracked burner rings

Is a microwave oven acceptable? ☒ Yes ☐ No

Does the microwave take the place of both oven and top burners?..... ☒ Yes ☐ No

Refrigerator

Can the refrigerator be located in a room other than the kitchen,
such as a back hall? ☒ Yes ☐ No

Name two (2) requirements for the refrigerator.

- 1) Maintain a temperature low enough to prevent food spoiling
2) Must have some capacity for storing frozen food

Are there any size requirements for the refrigerator? Must be adequate size for needs of family. No dormitory type refrigerator.

Name four (4) PASS WITH COMMENT conditions for the refrigerator.

- 1) Broken or missing interior shelving
2) Badly dented or scratched interior or exterior surfaces
3) Minor deterioration of door seal
4) Loose door handle

Sink

Name three (3) criteria for the sink.

- 1) Must have running hot and cold water
2) Must have a drain properly connected with a gas trap
3) Must be free of major leaks

Will a bathroom sink suffice for the kitchen sink?..... ☐ Yes ☒ No

Name four (4) PASS WITH COMMENT conditions for the sink.

- 1) Dripping faucet 3) Missing or broken drain stopper
2) Marked, dented or scratched surfaces 4) Slow draining

Storage and Preparation of Food

Is the kitchen required to have cabinet and counter space? ☐ Yes ☒ No

What is the requirement? Food preparation and food storage space

Name four (4) PASS WITH COMMENT items.

- | | |
|---|--|
| 1) <u>Marked, dented, or scratched surfaces</u> | 3) <u>Broken drawers or cabinet hardware</u> |
| 2) <u>Broken shelving or cabinet doors</u> | 4) <u>Limited size as related to needs of family</u> |

If there is some space for food preparation and storage, but the PHA does not feel it is adequate, what can be done? Give a Fail rating

General

Is a bathroom required? ☒ Yes ☐ No

Does it have to be located within the dwelling unit? ☒ Yes ☐ No

How do you rate additional bathrooms, and what are the requirements?

Use Part 4 of the Inspection Checklist, must have openable window or adequate exhaust ventilation
and a permanent light fixture, washbasin or sink must have gas trap, and room must be free
of serious health and sanitary problems

What are the electrical requirements for the bathroom? Must have one permanent light fixture

What section of your checklist would you rate a soap dish with a sharp edge in the shower where someone might get cut?
Rated under General Health and Safety

Is a door required on the bathroom? ☐ Yes ☒ No

Any extenuating circumstances? Bathroom must allow for privacy.

What condition would the floor be in to rate a FAIL rating? Severe floor damage caused by water from the tub or shower. Leaks.

Sink, Toilet, and Tub

Name six(6) FAIL items for the toilet.

- | | |
|---|--|
| 1) <u>Not connected to water supply</u> | 4) <u>Not flushing</u> |
| 2) <u>Not connected to acceptable drainage system</u> | 5) <u>Clogged</u> |
| 3) <u>Severe leakage of water or sewer gases</u> | 6) <u>Water closet mechanism does not work</u> |

Name two (2) PASS WITH COMMENT items for the toilet.

- 1) Cracked toilet seat
- 2) Slow draining toilet

Can the bathroom sink be portable or can the kitchen sink suffice
if there is not one in the bathroom?..... ☐ Yes ☒ No

What is a gas trap? Pipe which prevents sewer gas from entering the unit

What if the bathroom sink is chipped? Pass with comments unless a cutting hazard

Name five (5) FAIL conditions for the bathroom sink.

- 1) Not connected to a system that delivers hot and cold running water
- 2) Lack of gas trap
- 3) Clogged
- 4) Not connected to an acceptable drainage system
- 5) Evidence of severe leakage of water or the presence of sewer gas

Name seven (7) PASS WITH COMMENT items for the bathroom sink.

- | | |
|--|--|
| 1) <u>Low water pressure</u> | 5) <u>Partially corroded faucet handles</u> |
| 2) <u>Dripping faucets</u> | 6) <u>Basin insecurely fastened to wall or floor</u> |
| 3) <u>Minor leaks</u> | 7) <u>Slow drain</u> |
| 4) <u>Cracked or chipped porcelain</u> | |

Can the tub or shower be in another location, other than the "bathroom"? ☒ Yes ☐ No

Does the tub have to have a shower rod? ☐ Yes ☒ No

Ventilation

What are the ventilation requirements for the bathrooms?

An openable window or working exhaust system venting to the outside, attic or crawlspace.

What types of ventilation are acceptable? Electric fan vent or gravity flow/chimney effect vent

Where must it ventilate? Outside, attic or crawlspace

BUILDING EXTERIOR

Foundation

Name seven (7) conditions in the foundation that would require a FAIL rating.

- 1) Severe structural defects
- 2) Structural instability
- 3) Large cracks or holes
- 4) Large sections of crumbling brick
- 5) Undermining of footings, walls, posts, or slabs
- 6) Major deterioration of wood support members
- 7) Entry of significant ground water into unit

Stairs, Porches, and Rails

How many steps can you have before you need a handrail? Three required with 4 or more risers (consecutively)

How high can porches and balconies be above the ground before you need a handrail?

30 inches or more above the ground

Do you have to include in your inspection steps which lead to the unit but are not physically attached to the building?

☒ Yes ☐ No

What stairs, porches, and rails have to be inspected in a multi-unit structure?

Exterior & interior

Roofs and Gutters

What two (2) general conditions are you looking for in roofs?

- 1) Roof must be structurally sound
- 2) Roof is weathertight

Name four (4) FAIL items for roofs.

- 1) Serious buckling or sagging
- 2) Large holes or defects which would allow water or air in significant amounts into unit
- 3) Water damage to interior ceiling
- 4) Significant amount of water is allowed to enter unit resulting in rotting of an interior wall

What if you cannot see the roof (i.e. it is covered with snow)? Record as unobservable

When are gutters required? Not required

Exterior Walls

Name five (5) FAIL items for exterior walls.

- 1) Severe buckling, bowing, or leaning
- 2) Large cracks
- 3) Falling or missing pieces of masonry
- 4) Significant deterioration of exterior walls which would allow serious amounts of water/air to enter unit
- 5) Large holes or defects that would result in vermin infestation

What if the condition affected the neighbor's unit, but not your tenant's unit?

Would receive a Pass rating

What would FAIL a chimney? Serious leaning, evidence of deterioration,

many missing bricks (mortar), or metal chimney parts that do not fit tightly or are improperly attached

Manufactured Homes

What is the requirement for manufactured homes that is different from other structures?

Must be securely anchored by a tiedown device

Heating Requirements

What is an adequate temperature for interior heat?

PHA must define what constitutes healthy living environment

Where is heat required?

All areas used for living

What is a secondary room, and how do the heating requirements differ?

Rooms not used for living, heat not required

What is DIRECT vs. INDIRECT heat?

Direct means each room used for living has a heat source;

Indirect means heat can enter easily from an adjacent room

Check if these are adequate as the primary heating device in climates requiring heat:

☐ Kitchen stove with a built-in heater ☐ Portable electric room heaters

Safety of Heating Equipment

Name four (4) major concerns for safety.

- 1) Potential for fire
- 2) Potential for explosion
- 3) Escape of gas fumes or unvented gases into living area
- 4) Damage to the system, ducts, or fixtures, potential for fire or other threats to safety

Name ten of the twenty-one FAIL conditions in heating safety.

- 1) Escaping gases from disconnected or broken vent pipes
- 2) Improper fuel storage and supply lines
- 3) Shut off valve must be located at the base of the tank
- 4) Fuel leaks
- 5) Fuel tank not vented and not filled from outside unit
- 6) Existence of an improper flue or chimney
- 7) Presence of combustible material around furnace
- 8) Improper maintenance of the equipment
- 9) Flue pipe and collar which don't fit tightly against the wall
- 10) Return air not drawn from an area separate from the furnace area

Name three (3) PASS WITH COMMENT items for the heating equipment.

- 1) Very dirty floor registers
- 2) Covers missing on hot water baseboard convactor (no cutting hazard)
- 3) Hissing radiator valve with steam escaping

Space Heaters

Are unvented space heaters allowed? ☐ Yes ☒ No

Under what conditions could they be allowed? Low capacity, unvented space heaters in areas of the country with a mild climate; HUD waiver

What is a BTU? British Thermal Unit is a measurement of energy

What is a "listing" on the space heater? Label stating inspected by American Gas Assoc.

What must a space heater have on it? Must be Listed and have a label with BTU output

Under what conditions can space heaters be installed in sleeping rooms? Vented, listed, and equipped with safety shutoff device

How do you determine the size of space heater allowed? Length x width x height = cubic feet.

Do not exceed 30 BTUs per cubic foot of room space

Ventilation and Adequacy of Cooling

What is the HQS standard for adequate air circulation? At least two openable windows in unit

Water Heaters

Under what conditions can gas-fired water heaters be located in kitchens? If safety dividers or shields are installed

What about bedrooms? No

Name five of the nine FAIL conditions for water heaters.

- 1) Gas leakage
- 2) Flooding danger
- 3) Seriously cracked or broken vent pipes on gas-fired heaters
- 4) Serious leaks from hot water tank
- 5) Tag by utility company indicating an unsafe condition

What is a temperature-pressure relief valve, and what is its purpose? Safety device which will prevent water heater from exploding by discharging superheated water from water heater

What kind of relief valve is required? Temperature and pressure relief valve

What else is required, besides the relief valve? Refer to local code re: discharge lines

How hot does the water have to get? Tenant preference

Water Supply

Does a public system require any certification? ☐ Yes ☒ No

Does a private well system require a test? ☐ Yes ☒ No

Plumbing

Name a FAIL condition of the general plumbing system. Main system pipes severely leaking

What if you see brownish water coming from the faucet? Let water run to see if it clears

Name two (2) PASS WITH COMMENT items for the plumbing system.

- 1) Moderate level of corrosion
- 2) Little leaks (potable water only)

Sewer

Is a properly working sewer system (public or private) required? ☒ Yes ☐ No

Does it have to be connected? ☒ Yes ☐ No

What if it is a private system? Ask owner if it meets local health and safety. Look for clues or symptoms of failure

GENERAL HEALTH AND SAFETY

Unit Access

What are the "access" requirements?

Family should not have to go through another unit to reach their own unit

What is an "in-law" apartment? Areas not separated from the main area of the dwelling unit

Are "in-law" apartments okay? ☐ Yes ☒ No

Unit Exits

Is an alternate means of exit from the unit required? ☐ Yes ☒ No

Is an alternate means of exit from a building required? ☒ Yes ☐ No

Should local fire code be considered? ☒ Yes ☐ No

If yes, when? When local code is more restrictive

What are considered acceptable types of exits? Fire escapes, fire stairs, openable window, back door

Who has the responsibility for determining adequacy of exits?

☐ Tenant ☐ Owner ☒ PHA

Infestation

How do you know whether rats are around? Ask tenant, evidence of sightings or droppings

Are roaches okay? ☒ Yes ☐ No

Does the unit fail for sloppy housekeeping? ☐ Yes ☒ No

Garbage and Debris

What is the difference between "heavy accumulation" and an approvable level of accumulation?

Large piles of trash, garbage and discarded furniture and debris that cannot be picked up by an individual within one or two hours

Is the same standard used for exterior AND interior? ☒ Yes ☐ No

Refuse Disposal

What kind of facilities are adequate for refuse disposal? Trash cans with covers,
garbage chutes, dumpsters, and trashbags

What do you do when you have a vacant unit and no adequate covered facilities are present? Give an "Inconclusive" rating

How many garbage cans are required? Use local guidelines for number and or type of facility required

Interior Stairs and Common Halls

Which stairs are covered by this section? Interior common stairways and common hallways

Name five (5) FAIL conditions.

- | | |
|---|--|
| 1) <u>Loose, broken, or missing steps</u> | 3) <u>Absent or insecure railings</u> |
| 2) <u>Inadequate lighting</u> | 4) <u>Ripped, torn or frayed stair coverings</u> |

When is a handrail required? Four or more steps

Other Interior Hazards

What kinds of hazards are identified here? Hazards that are not specifically identified elsewhere

How do you handle the inspection when you see sloppy housekeeping? Determine if health hazard

Elevators

Must the inspector ride in all elevators? ☐ Yes ☒ No

What are the requirements? No need to ride if elevator has a current, local inspection certificate

Interior Air Quality

What does "abnormally high" mean? Pollutants are consistently present

Name five (5) types of external pollutants.

- | | |
|--------------------------------|---|
| 1) <u>Refineries</u> | 4) <u>Proximity to heavy traffic</u> |
| 2) <u>Pulp or paper plants</u> | 5) <u>Proximity to truck or bus garages</u> |
| 3) <u>Chemical industries</u> | |

Name three (3) kinds of internal pollutants.

- | | |
|--|--|
| 1) <u>Presence of sewer gas</u> | 3) <u>Malfunctioning gas appliance</u> |
| 2) <u>Improperly operating furnace</u> | |

Site and Neighborhood Conditions

Name three (3) conditions that would warrant a FAIL rating.

- 1) Proximity to open sewage
- 2) Fire hazards
- 3) Evidence of flooding or major drainage problems

Name three (3) PASS WITH COMMENT conditions.

- 1) Unimproved spaces
- 2) Large bare patches on grounds surrounding the building or unit
- 3) Evidence of general lack of maintenance

Is the type of neighborhood a tenant preference, or does the PHA have some say in it? Explain your answer.

Tenant preference regarding neighborhood type

(i.e., commercial usage, racial or economic mix), PHA must determine if neighborhood is free from conditions which would seriously or continuously endanger the tenant's health and safety.

Interior and Exterior Paint Requirements

What are three main factors in determining actions for defective paint surfaces?

- 1) Age of structure
- 2) Age of children in household
- 3) Child in household with IEBLL

Describe testing methods for painted surfaces. Use of XRF or other method approved by HUD

SUMMARY

We hope you have learned how to use the Housing Quality Standards in your location. Remember the HUD requirement for quality control inspections is SEMAP formula based. Quality control is further outlined elsewhere in this workbook. You can lose money if units are not inspected properly. Know the HUD requirements.

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Maintain or improve your agency's SEMAP scores by ensuring that inspectors and housing staff thoroughly understand the required Housing Quality Standards (HQS) essentials. In addition to having been recently updated to include HQS frequently asked questions, the HQS Master Book provides detailed information on:

- General room standards
- Kitchens and bathrooms
- Electricity and plumbing
- Security
- General health and safety
- Exteriors
- Lead-based paint

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Do you have the most current version of this Master Book?

Below are the issue dates for the previous six revisions to the *HQS Master Book*.

- July 2014
- August 2013 - [View a list of changes included in this revision](#)
- January 2012
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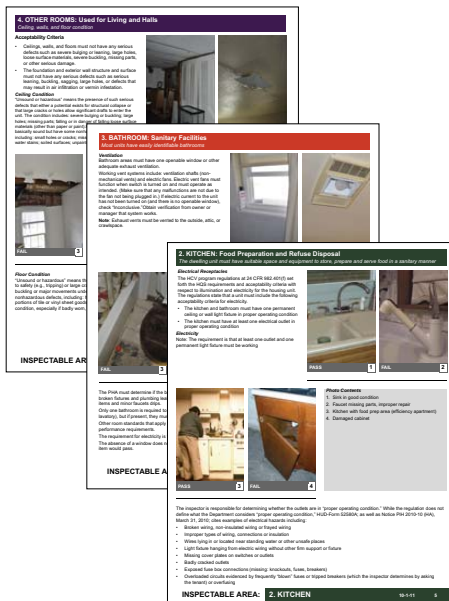
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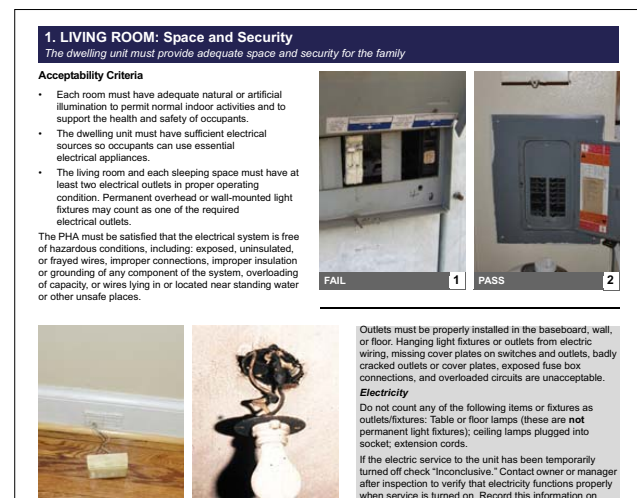
HQS Quick Guide

No HQS inspector should be without the HQS Quick Check Guide!



NMA's HQS Quick Check Guide is a handy, easy-to-use tool detailing what conditions would pass, pass with comment, or fail inspection according to housing quality standards (HQS). Condensing vast acceptability criteria and sometimes tricky fail conditions into a brief, streamlined format, the guide provides inspectors with the ability to quickly identify various conditions. In addition, the guide is fully illustrated with color photos, and gloss-coated clipboard-sized pages allow inspectors to make notes directly on the guide with a grease pencil while in the field - notes that will assist them in completing inspection reports later.

The HQS Quick Check Guide can be used as a support to or in conjunction with the HQS 52580 long or short forms, but it is not only useful for inspectors - PHAs can also use this valuable resource as a training tool for property owners to improve pass rates on units.



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IMPROVING TEST-TAKING SKILLS

Below are some pointers that may assist you in minimizing the pressure many test-takers place on themselves during testing.

1. Only ONE answer is correct for each question

Marking two answers to the same question on the Scantron answer sheets will be scored as a wrong answer.

2. Answer one question at a time

You can only answer one question at a time. Don't be overwhelmed by the total number of questions on the test. Isolate each question as you read and answer it. If possible, cover the questions above and below the one you are working on.

3. Work through the questions at a steady pace

When you read a question and have absolutely no idea what the answer is, make a check mark next to it in the test booklet and move on. Don't waste a lot of time pondering over questions you can't answer; go back to them after you have finished the test. Often, another question later on in the test will trigger the answer to the one you thought you didn't know.

4. Identify the core topic

Sometimes when reading multiple-choice test questions, test takers get hung up in the words. Try to find the core topic of the question, isolate it, and ask yourself questions that trigger what you know about the topic.

For example, let's take a question that pertains to income limits. Here are questions to ask yourself that may help identify the correct answer.

- Does this question pertain to applicants or participants? (because the rules are different)
- Does this question pertain to families entering the program or families moving/transferring to another unit?
- What is this question trying to see if I know?

5. Identify key words and phrases

When you read a true/false question, remember that if *any part* of the question is false, the *whole statement* is false. Ask yourself, “Does this statement stand on its own as totally true?” If you find yourself thinking, “Well, it would be true if...”– it’s probably false.

Also use this method to evaluate the multiple choice answer options– if *any part* of an answer is wrong, then it is the *wrong* answer.

6. Turn a multiple-choice question into true or false questions

If you cannot quickly identify the correct answer, you can usually eliminate one or two incorrect answers. After you have done this, take each of the remaining answers, add it to the end of the multiple choice question and see if it is a true or false statement.

7. When you review, focus on the tough questions

When they finish a test, some test-takers go back and review every question– and sometimes they begin to doubt their answers. When they start to second-guess themselves, they often change answers that were correct. If you make a check mark next to the questions in your test booklet that you are not sure of, you can quickly identify the tough ones and use your time to review them.

8. Answer all the questions, even if you have to guess at some

If, after going through the whole exam, there are still questions that have you stumped, first rule out the obviously wrong answer(s), then make your best guess at which of the remaining options is the right answer. Even a blind guess improves your chances of scoring a point.

9. Visually inspect your answer sheet before you turn it in to the instructor

Look for incidental or unintentional pencil marks and erase them. If you changed an answer, make sure that the pencil mark for the first answer is completely erased.

10. Make sure that you did not inadvertently skip a question, or skip a line on the Scantron answer sheet. This would cause all of the following answers to be incorrect.

Before turning in your Scantron sheet, review it to make sure that the number of lines filled in matches the number of questions on the test, and that no lines are blank.