

Chapter 10

HOUSING QUALITY STANDARDS AND INSPECTIONS

[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the U.S. Department of Housing and Urban Development's (HUD) minimum quality standards for tenant-based programs. All voucher units are required to meet HQS standards both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as to the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and Housing Assistance Payment (HAP) contract.

HOC inspects each unit under contract with one of its voucher families at least annually. HOC also has an inspection supervisor perform quality control inspections on the number of files required for file sampling for the Section Eight Management Assessment Program (SEMAP) annually to maintain HOC's required standards and to assure consistency in HOC's program. A separate sample, also meeting SEMAP thresholds, of any owner-certified repairs following a failed inspection is subject to quality control review by an HOC inspections supervisor. This Chapter describes HOC's procedures for performing HQS and other types of inspections, and HOC's standards for the timeliness of deficiency repairs following a failed inspection. This Chapter also explains the responsibilities of the owner and the family in the inspections process, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and HOC's requirements. Please see the additions to HQS listed under "Acceptability Criteria and Exceptions to HQS" later in this chapter for more information about HOC's additions to HUD's HQS criteria.

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

At all times, HOC encourages owners to provide housing above HQS minimum standards. HOC does not promote any additional acceptability criteria which is likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be active and in service prior to the HOC's inspection of the unit. If the utilities are not in service at the time of inspection, the inspector notifies the tenant or owner (whomever is responsible for the utilities according to the Request for Tenancy Approval [RFTA]) and requests that the utilities are turned on. The inspector then schedules a re-inspection.

There are five types of inspections which HOC performs:

1. Initial/Move-in: Conducted upon receipt of RFTA;
2. Annual: Conducted within 12 months of the last annual inspection;

3. Special/Complaint: At the request of an owner, family, agency, or third-party;
4. Quality Control: Conducted by HOC's inspection lead or supervisor; and
5. Move-Out/Vacate: An inspection requested by the landlord to demonstrate tenant-caused damages.

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

Timely Initial HOS Inspection

HOC inspects the unit, determines whether the unit satisfies HQS and notifies the family and owner of the determination in writing within 15 days unless HOC determines that it is unable to do so in the stated timeframe; in which case the file is appropriately documented to explain the delayed notification. Through June 30, 2021, HOC may rely the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit instead of conducting an initial inspection. HOC must conduct an inspection in the unit no later than 1 year from the date of the owner's certification. This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2020-33.

Through June 30, 2021, HOC may authorize occupancy of a unit if the unit passed an alternative inspection in the previous 24 months. The owner must certify that he/ she has reasonable basis to have knowledge that no life threatening conditions exist in the unit. HOC must conduct the HQS inspection no later than 1 year from the date of the owner's certification This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2020-33.

HOC makes every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

HOC periodically reviews the average time required for a family and owner to have a unit inspected from the time the RFTA is submitted by the family and owner to HOC.

If HOC determines after a periodic review of files that the average time for a family and owner to obtain an initial inspection is longer than 15 days, HOC will review staffing needs relevant to HQS inspection and make improvements.

The Initial Inspection is conducted to:

Determine if the unit and property meet the HQS defined in this Administrative Plan.

Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.

Document the information used for determination of rent-reasonableness.

If the unit fails the initial HQS inspection, the owner is advised to notify HOC once repairs are completed.

On an initial inspection, the owner is given up to 30 days to correct the items noted as failed, at the inspector's discretion, depending on the amount and complexity of work to be done.

HOC may provide the owner an additional 30 days to make repairs for non-life threatening deficiencies. The period of availability to approve an additional 30 days is temporary and ends June 30, 2021. This temporary provision is in accordance with the waiver flexibility authorized in PIH Notice 2020-33.

The owner is allowed up to one re-inspection for repair work to be completed. At its discretion, HOC may accept owner certification that the repairs were completed as detailed in the initial inspection.

If the time period given by the inspector to correct the repairs elapses, or the maximum number of failed re-inspections occurs, then the family must select another unit.

Families are not adversely impacted by the failure of a unit to pass the initial HQS inspection. Instead, HOC extends the remaining time on the voucher by suspending the voucher timeline from the date of HOC's receipt of the RFTA until notification to select another unit. This is known as tolling time.

Project-Based Voucher (PBV)

Pre-HAP Contract Inspections- HOC is not required to conduct pre-contract inspections and may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the PBV units. HOC must inspect the units no later than 1 year from the date of the owner's certification. This temporary provision expires on June 30, 2021 is in accordance with the waiver flexibility authorized in PIH Notice 2020-33.

PBV Turnover Inspections: HOC may waive the initial inspection requirement to fill a turnover PBV unit. HOC may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the PBV units. HOC must inspect the units no later than 1 year from the date of the owner's certification. This temporary provision expires on June 30, 2021 and is in accordance with waiver flexibility authorized in PIH Notice 2020-33.

PBV HAP Contract – HQS Inspections to Substitute Units

HOC may amend the PBV HAP Contract to add additional PBV contract units or to substitute a different unit for a previously covered contract unit without conducting an initial inspection. This is subject to the PBV program cap and income mixing requirements. HOC may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question. HOC must inspect the than no later than 1 year from the date of the owner's certification. This temporary provision expires on June 30, 2021 and is in accordance with waiver flexibility authorized in PIH Notice 2020-33.

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

HOC conducts a unit inspection in accordance with HQS at least annually. These annual inspections are scheduled for 60 days prior to the anniversary of the last annual inspection, so that the inspections are conducted at least annually, as required by the Section Eight Management Assessment Program (SEMAP). Special inspections may be scheduled between anniversary dates.

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

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

Inspections are conducted on business days only.

Reasonable hours to conduct an inspection are between 8:30 a.m. and 4:00 p.m.

HOC notifies the family in writing at least three days prior to the inspection.

First Inspection: The family and the owner are notified of the date and time of the inspection appointment in writing using postal or electronic mail. The family is required to provide access to the unit for any inspection. If the family is unable to participate and is unable to otherwise arrange access, they must reschedule the appointment. Rescheduling must occur within 72 hours of the initial scheduled inspection date. HOC permits only one such rescheduling per year.

If the family fails to provide access to the unit, HOC considers the family to have violated a Family Obligation and their assistance may be terminated in accordance with the termination procedures in this Administrative Plan. HOC will reschedule up to one HQS inspection, due to a missed appointment, as long as the inspection is completed within scheduling requirements.

Re-inspection: The family and owner are provided a notice of any re-inspection appointment by postal or electronic mail. HOC may accept owner certification that the repairs were completed as detailed in the initial inspection. If the family is not at home for the re-inspection appointment, a card is left at the unit. The appointment letter contains a warning of abatement and a notice of the owner's responsibility. After this point, responsibility to open the unit for the inspector falls on the unit owner or landlord.

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

Time Standards for Repairs

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

For non-emergency items, repairs are required within 30 days.

Failure by either the family or the owner to provide access to the unit for re-inspection does not extend the 30-day time frame to complete repairs, and HOC will abate the unit.

For major repairs, HOC may approve a written request from the owner for an extension beyond 30 days.

Rent Increases: HOC may not approve rent to owner increases if the unit is in a failed condition.

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

If at any time the family or owner notifies HOC that the unit does not meet HQS, HOC will conduct an inspection to verify the condition of the unit. If the reported deficiency is life threatening HOC will notify the owner of the deficiency in lieu of conducting an inspection. The owner must correct the deficiency within 24 hours of the HOC notification or provide documentation that the deficiency does not exist. HOC is not required to conduct an on-site inspection to verify that the repairs have been made, but may rely on alternative verification methods. This temporary provision expires on June 30, 2021 and is in accordance with the w a v i e r flexibility authorized in PIH Notice 2020-33.

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

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

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

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

Quality Control inspections are performed by the Housing Inspections Supervisor, or another designated official, on the number of files required by SEMAP for the given fiscal year. The purpose of Quality Control inspections is to confirm that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The sampling of files for the Quality Control inspections includes recently completed inspections (within the prior 90 days), a cross-section of neighborhoods, and a cross-section of inspectors.

F. MOVE OUT/VACATE

A move out inspection is performed only at the landlord's request. HOC may charge the landlord a fee in order to conduct these inspections.

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

HOC strictly adheres to the acceptability criteria in the Housing Choice Voucher program regulations at 24 CFR, Section 982. However, HOC amends the acceptability criteria to require that an owner participating in the HOC's voucher program comply with the local government rental licensing requirements in Montgomery County, Maryland. HOC allows owners adequate time to obtain the required license(s). However, HOC will not enter into a HAP contract with an unlicensed owner. HOC may hold HAP from an owner under contract when HOC is notified by Montgomery County that the owner failed to maintain the appropriate rental license(s).

Modifications

Modifications or adaptations to a unit due to a disability must meet all applicable HQS and building codes.

Extension for repair items not required by HQS may be granted for modifications/ adaptations to the unit if agreed to by the tenant and the landlord. HOC will allow execution of the HAP contract if the unit meets all requirements and the modifications do not affect the livability of the unit.

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

The following items are considered of an emergency nature and require repair by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector:

- Lack of security for the unit;
- Waterlogged ceiling in imminent danger of falling;
- Major plumbing leaks or flooding;
- Natural gas leaks or fumes;
- Electrical problems which could result in shock or fire;
- No heat when the outside temperature is below 10 degrees Fahrenheit and the temperature inside the unit is below 68 degrees Fahrenheit;
- Utilities not in service;
- No running hot water;
- Broken glass where someone could be injured;
- Obstacle which prevents tenant's entrance or exit;
- Lack of functioning toilet; and

- Non-working smoke detector or missing smoke detector, as required.

HOC may give a short extension (not more than 48 additional hours) if immediate notification of the responsible party is delayed or if it is impossible to make the repair within the 24-hour period.

In those cases where there is leaking gas, potential for fire, or other threat to public safety, and the responsible party cannot be notified immediately or it is impossible to make the repair within 24 hours, HOC will notify the proper authorities.

If the emergency repair item(s) are not corrected in the time period required by HOC, and the owner is responsible, payments to the owner are abated and the HAP contract is terminated.

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

Smoke Detectors

Inoperable smoke detectors are a serious health and safety threat and are treated by HOC as an emergency (24-hour) fail item.

HOC will issue a written warning to any family determined to have purposely disconnected a unit's smoke detector. The warning will state that deliberate disconnection of the unit's smoke detector is a health and fire hazard and is considered a violation of HQS.

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

If a unit fails to meet HQS due to an owner-caused deficiency at the re-inspection, the HAP to the owner is abated.

Abatement

A Notice of Abatement is sent to the owner, explaining that the abatement is effective from the day after the date of the failed inspection. The notice is for 30 days.

HOC will inspect abated units within 15 days of the owner's notification that the repair work is completed.

If the owner makes repairs during the abatement period, payment resumes on the day the unit passes inspection.

No retroactive payments are made to the owner for the abatement period. The notice of abatement states that the tenant is not responsible for HOC's portion of rent during the abatement. However, the tenant must continue to pay their portion of the rent even during the abatement period.

Reduction of Payments

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

The owner is experiencing extenuating circumstances and has a good history of HQS compliance.

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The owner makes a good faith effort to make the repairs.
- The repairs are expensive (such as exterior painting or roof repair) and the owner needs time to obtain the necessary funds.
- The repairs are delayed due to climate conditions.

Owners must provide supporting documentation to request abatement extension. Extensions are made for a period of time not to exceed 30 days. At the end of that time, at HOC's discretion, if the work is not completed, HOC will begin the abatement.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all of the deficiencies cited prior to the end of the abatement period (which is 30 days), the owner and the tenant are sent a HAP Contract Proposed Termination Notice. The tenant is also notified of a scheduled relocation appointment. The proposed termination notice is a 60-day notice. The family is required to begin the process to relocate from the unit or risk termination from the program. Prior to the effective date of the termination, if the repairs are not completed, the abatement remains in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by HOC if the tenant chooses to remain in the unit. Only one HQS inspection is conducted after the termination notice is issued.

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

Certain HQS deficiencies are considered the responsibility of the family, such as:

- Tenant-paid utilities not in service
- Failure to provide or maintain family-supplied appliances
- Damage to the unit, or premises, caused by a household member or guest beyond normal wear and tear
 - "Normal wear and tear" is defined as items which could be charged against the tenant's security deposit under state law or court practice.
- Vermin infestation in a rented single-family home or other detached unit.

The owner is responsible for all other HQS violations.

The owner is responsible for any vermin infestation for multifamily and non-detached units. However, if such infestation is caused by the family's living habits and is serious and repeated, it may be considered a lease violation. The owner may then evict the family for violation of the lease. HOC may choose to terminate the family's assistance on that basis as well.

If the family is responsible but the owner carries out the repairs, the owner is encouraged to bill the family for the cost of the repairs.

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

If the family is responsible for any emergency or non-emergency violations of HQS, then the family is responsible to work with the owner or landlord to make any repair(s) or corrections within 24 hours or 30 days, as appropriate. If the repair(s) or correction(s) are not made in this time period, HOC will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases require approval by the Housing Inspector Supervisor or another designated official. The owner's rent is not abated for items that are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP Contract is terminated when the assistance to the family is terminated. HOC will provide the owner with adequate notice (no less than 30 days) of the termination date of the HAP. Contract cancellation due to tenant-caused HQS deficiencies does not preclude the owner from immediately executing a new HAP with HOC for another voucher tenant.