

## CHAPTER 8

### HOUSING QUALITY STANDARDS (HQS)

#### 8.1 **INTRODUCTION**

The primary goal of the Housing Choice Voucher program is to provide “decent, safe and sanitary” housing to low-income families. To accomplish this, all units must be inspected and meet the HQS performance and acceptability standards as outlined in this chapter.

#### 8.2 **INITIAL UNIT INSPECTIONS**

**24 CFR 982.405 (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.**

**Policy:**

The owner must repair any Housing Quality Standards (HQS) deficiencies noted at the initial inspection of a unit within ten (10) days from the date of the inspection. Failure to do so may result in the cancellation of the Request for Tenancy Approval.

If a unit passes the initial HQS inspection, the passed inspection will be valid as long it is dated within 120 days of the receipt date of a new Request for Tenancy Approval (RFTA) and the unit has been vacant during the period between the passed inspection and the receipt of the RFTA.

#### 8.3 **PERIODIC UNIT INSPECTIONS**

**24 CFR 982.405 (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.”**

**MTW Plan: “The inspections of these units will...be delayed for an additional twelve months.” “This activity would change the {inspection} cycle to a triennial basis for all MTW participants.” (Expires 6/30/2021 or six months after the shelter in place rule is lifted, whichever comes later.)**

**Policy:**

The HA will inspect all leased units biennially. The HA will notify the family at least ten days in advance of a biennial unit inspection appointment (that is not a recheck inspection).

If the family fails to allow unit access for the appointment or no adult (aged 18 or over) is present, a second and final inspection will be scheduled. The family can request a reschedule of their inspection once (either the first or final appointment) at least three days in advance of the appointment.

If the HA is unable to complete the inspection at the final appointment, or if the appointment notice is returned by the post office with no forwarding address, the HA will begin the process to terminate the housing assistance.

#### 8.4 **SPECIAL INSPECTIONS**

**24 CFR 982.405 (g): “If a participant family or government official reports a condition that is life threatening condition, which the owner would be required to repair within 24 hours, 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, 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 15-day inspection requirement until such time as an inspection is feasible.”**

**24 CFR 982.405(b): “The PHA must conduct supervisory quality control HQS inspections.”**

**Policy:**

A special inspection may be requested by the owner or the tenant when there has not been a timely or sufficient response to either tenant or owner-caused HQS violation.

A full HQS Inspection will occur anytime a Special Inspection is required.

#### 8.5 **INSPECTIONS OF EXTRA BEDROOMS FOR MEDICAL EQUIPMENT**

**NOTICE: PIH 2014-25 (HA): “Although PHAs may approve an additional bedroom for medical equipment if the need is documented by a health care provider, the actual equipment in the extra bedroom should be verified by the PHA during the annual inspection of the unit. If the extra bedroom is not being used for the intended purpose, the PHA must reduce the subsidy standard and corresponding payment standard at the family’s next annual recertification.”**

**Policy:**

The HA will conduct annual special inspections of units with approved reasonable accommodations for a separate bedroom for medical equipment. The inspection will verify the additional bedroom is being used for medical equipment. If the additional bedroom is not being used for medical equipment the subsidy size will be reduced.

If the subsidy needs to be reduced, see Administrative Plan Chapter 10.4, Change in Family

Subsidy/Voucher Size Between Reexaminations, for when the change will be effective.

Special Inspections will include a full HQS Inspection, in accordance with sections 8.7 and 8.8 of this chapter.

## **8.6 INSPECTION OF HA OWNED UNITS**

**24 CFR 982.352 (1) (iv) (A): “The HA must obtain the services of an independent entity to perform the following HA functions as required under the program rule:**

- (1) To determine rent reasonableness.**
- (2) To assist the family to negotiate the rent to the owner.**
- (3) To inspect the unit for compliance with the HQS.”**

**MTW Plan: The HA has waived “the HUD requirement that independent entities perform various tasks on behalf of Public Housing Authorities (PHAs) when Section 8 subsidies are attached to PHA-owned properties. SCCHA [has] waivers from the following tasks:**

- **Establishing contract rents (initial rent to owner and redetermined rent to owner);**
- **Establishing term of initial and any renewal HAP contract;**
- **Determining rent reasonableness; and,**
- **Assisting the family in negotiating the rent with the owner.”**

## **8.7 HOUSING QUALITY STANDARDS**

**HUD’s performance and acceptability criteria for Housing Choice Voucher assisted housing are provided in 24 CFR 982.401. These standards cover the following areas:**

- **Sanitary facilities**
- **Food preparation and refuse disposal**
- **Space and security**
- **Thermal environment**
- **Illumination and electricity**
- **Structure and materials**
- **Interior air quality**
- **Water supply**
- **Lead-based paint**
- **Access**
- **Site and neighborhood**
- **Sanitary condition**
- **Smoke detectors**

Additional guidance on these requirements is found in the following HUD resources:

- 24 CFR 982.401, Housing Quality Standards (HQS)
- 24 CFR 982.605, Single Room Occupancy: HQS
- 24 CFR 982.609, Congregate Housing: HQS
- 24 CFR 982.614, Group Home: HQS

- 24 CFR982.618, Shared Housing: HQS
- 24 CFR 982.619, Cooperative Housing: HQS
- Housing Choice Voucher Guidebook, Chapter 10
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

**Policy:**

In addition to meeting HQS performance and acceptability standards, the unit must also meet the following specific HQS requirements adopted by the HA:

- Doors cannot have double-key dead bolt locks.
- If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick-release system. The owner is responsible for ensuring that the family is instructed on the use of the quick-release system.
- A working Carbon Monoxide monitor, if applicable.

**8.8 INSPECTING UNITS FOR HOUSING QUALITY STANDARDS**

**24 CFR 982.404 (a) (3): “The PHA must not make any housing 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).”**

**Policy:**

Owners of units leased under the HA’s programs may self-certify the correction of non-life threatening HQS deficiencies that are the owner’s responsibility to repair. Life threatening deficiencies will require an inspection to verify the correction.

**HQS Deficiencies**—When an inspection identifies HQS deficiencies, the HA will determine:

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

The following are considered life-threatening deficiencies:

1. Gas leak;
2. Exposed/arcing electrical;
3. Structural damage: collapsed walls, floors, ceiling;
4. Exposed broken glass;
5. No operable smoke detectors on a floor/level of the unit (there must be at least one operable smoke detector per floor/level of the unit);

6. Lack of a functioning flush toilet in a one-bathroom unit;
7. Lack of security of the unit;
8. Plumbing leaks or flooding;
9. Lack of permanent functioning heating equipment if inspection occurs during the months of November—March;
10. No water, gas or electric service.

**Extensions**—Extensions for correcting non-life-threatening HQS deficiencies will be granted in cases where the HA determines that the owner or family has made a good faith effort to correct the deficiencies and is unable to do so for reasons beyond their control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions or natural disasters.
- A reasonable accommodation is needed because the family includes a person with disabilities.

A unit may be considered uninhabitable if the unit has been damaged by fire, earthquake or other natural disasters. The unit is also considered uninhabitable if a government agency, utility agency or a third-party professional working in a field with the expertise to determine a unit's habitability has inspected and found the unit to be uninhabitable. If a unit is determined uninhabitable, the contract will be terminated on the date the agency or utility company deemed the unit uninhabitable.

## 8.9 **FAMILY OBLIGATION UNDER HQS**

**24 CFR 982.404 (b)(1) & (3): “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).**

**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.”**

**Policy:**

If a family is responsible for an HQS deficiency and fails to make the repair by the repair deadline (24 hours if the defect is life-threatening and 30 calendar days if the defect is not life-threatening) the HA will begin the process to terminate housing assistance.

**8.10 HOUSING ASSISTANCE PAYMENT CONTRACT ABATEMENT AND/OR TERMINATION**

**24 CFR 982.404 (a) (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.”**

**Policy:**

If an owner fails to correct an HQS deficiency by the repair deadline, the HA will:

- Abate payment to the property owner beginning the first of the month following the expiration of the repair deadline;
- Advise the family to issue an Intent to Vacate to the owner;
- Terminate the HAP Contract on the last day of the third month of abatement

The HQS deficiency can be corrected any time before the HAP Contract is terminated. The owner will begin receiving Housing Assistance Payments once the corrections are verified (payments withheld during the time the unit was deficient will not be paid.)

If the owner corrects HQS deficiencies prior to the family moving out of the unit, then the family may choose to remain in the unit if the owner and family both agree to cancel the family’s Intent to Vacate.

**8.11 HOS SPACE STANDARDS**

**24 CFR 982.401 (d) (2) (ii): “The dwelling unit must have at least one bedroom living/sleeping room for each two persons.”**

**24 CFR 982.605 (b) (2) (ii) (A): “No more than one person may reside in an SRO unit.”**

**24 CFR 982.402 (d) (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.”**

**Policy:**

The HA’s guidelines for the unit size selected is as follows:

<u>Unit Size</u>	<u>Maximum Number in the Household</u>
SRO	1 Person
Studio	2 Persons
One Bedroom	4 Persons
Two Bedrooms	6 Persons
Three Bedrooms	8 Persons
Four Bedrooms	10 Persons
Five Bedrooms	12 Persons
Six Bedrooms	14 Persons