

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;

Annual: Conducted within 12 months of the last annual inspection;

2. Special/Complaint: At the request of an owner, family, agency, or third-party;
3. Quality Control: Conducted by HOC's inspection lead or supervisor; and
4. 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 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.

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)

PBV HAP Contract – HQS Inspections to Substitute Units

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.

Remote Video Inspection “Virtual Inspection”

HOC has adopted guidance detailed in PIH Notice 2020-31 and will perform Housing Quality Standard (HQS) Inspections using video streaming technology. A proxy will perform the Remote Video Inspection (RVI) at the inspection site. The proxy will follow the direction of the HQS inspector throughout the entire inspection process as required in 24.CFR 982.405(a).

RVI or Virtual Inspection will enable HOC to comprehensively inspect units in a manner that meets the basic statutory and regulatory standards. Virtual Inspections may take the place of physical inspections. However, HOC is aware there will be circumstances where RVI “Virtual Inspections” will not provide sufficient information or evidence to allow HOC to make an appropriate determination. In these circumstances, HOC will exercise judgment and reasoning that will yield the best results for the tenants, inspector and the agency.

Choosing a Proxy

HOC requires the Proxy to either be the landlord, property representative, tenant or any adult associated with the tenancy. Selection of the proxy is a mutual decision among HOC, the landlord, and the tenant.

The designated Proxy and Inspector must successfully complete the online Lead Based Paint Visual Assessment Training Course. This requirement is for properties built before 1978 where children under six years old currently or will reside. HUD offers this as a free course that is available at Hud.gov (<https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>).

Once the Proxy is certified, they must send a certificate of completion to the Inspector to add to the inspection file.

On the day of the inspection, HOC or the inspector will prompt the Proxy to attest to the following:

- Confirmation of no smell of natural gas, Methane or other noxious gas;
- Live streaming requirement of RVI and not recorded;
- Commitment to following directions of the inspector; and
- Any additional items that HOC deems necessary.

Incorporating RVI

HOC will adhere to HQS acceptability criteria and each virtual inspection will include the following steps to ensure performance requirements are met.

1. Administrative Preparation

HOC has evaluated and determined that incorporating RVI into the inspection process requires an update to the HCV Administrative Plan to provide fair notice to the public and to highlight the benefits of using technology to assist in HQS Inspections.

2. Pre- Inspection Planning

Assessing Equipment Needs

Required equipment to perform the RVI “Virtual Inspection” may include:

- Distance Measuring Device, i.e. a tape measure;
- Lighting Device, i.e. a flashlight;
- Circuit Analyzer, i.e. GFI;
- Means to test smoke and carbon detectors;
- Temperature devices for displaying the internal unit temperature;
- Fully charged Smartphone or Tablet with reliable internet connection and high camera resolution (megapixels, sensors and pixel size) to see details such as paint chip and broken glass; and
- Any Additional items HOC deems necessary.

HOC must ensure that the Proxy has the necessary equipment and will decide on a means to deliver the equipment to the site in a timely manner

Scheduling the RVI

HOC requires that the tenant, landlord or property manager attend the RVI or “Virtual Inspection”. The notice of inspection will follow the same format as with any physical inspection notification protocol initially set by HOC and detailed in **24. CFR 982.401(a) Initial inspection** and **24 CFR 982.405 (a) Annual Inspections**. Additionally, HOC requires that the RVI or “Virtual Inspection” notice provide justification for choosing this method of inspection as well as a contact number and email, should the tenant have any questions or concerns.

3. Performing Inspection

HOC will use software and equipment that provides adequate privacy and safeguards to ensure protection of Personal Identifiable Information. HOC requires that the HQS Inspector use a HOC office or other remote location that is not vulnerable to exposure or susceptible to risk of violating the privacy of the tenant or the Agency, such as unsecured public Wi-Fi

On the day of inspection, the HQS inspector will use the HOC approved designated streaming web-based platform to contact the proxy. During the inspection the HQS inspector will use the same inspection forms HOC currently uses to record any deficiencies.

Prior to the start of the inspection, the inspector must verify that the unit on their screen is the unit scheduled for inspected. In addition, HOC requires that the HQS Inspector verifies the address and street name from the outside of the unit.

Inspection of the Exterior of the unit should include:

- Outside walls;
- Roofs;
- Yard and adjoining properties;
- All sides of the structure;
- Fences and outbuildings;
- Visually examine paint conditions of all siding, trim;

- Windows;
- Porches,
- Steps and sidewalks;
- Columns; and
- Any other painted areas.

Inspection of the Interior of the unit should include:

Review each room including bedrooms separately and visually examine:

- Paint conditions;
- Walls;
- Common area;
- Tenant-accessed areas;
- Ceilings;
- Steps;
- Appliances
- Floors;
- Doors;
- Door frames; and
- Windows, including window troughs.

The inspector will document the amount of deterioration indicating whether the scales is greater or less than the HUD de minimis amount.

4. Post Inspection

HOC will continue to follow its Administrative Plan/Procedures and Policies when informing the tenant or landlord of the inspection results. The housing Inspections Supervisor, or other designated official performs the Quality Control (QC) inspections. The quantity is equal to number of files required of the Section 8 Management Assessment Program (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. RVI QC inspections are in addition to the five percent required under SEMAP indicator #5 unless SEMAP indicator #5 is waived under PIH 2020-05 and/or 2020-13, REV-1. The sample of files for the QC inspections must include recently completed inspections (within the prior 90 days), a cross-section of neighborhoods, and a cross-section of inspectors

HOC or the HQS Inspector will complete the process of generating notification letters to the landlord and/or tenant to communicate inspection results of the inspections

Passed Inspection:

With a successful inspection HOC will process the HAP for the initial inspection or approve the inspection if it is an annual or other inspection type; whichever applies to the situation

Failed Inspection:

For unsuccessful inspection, HOC will provide follow-ups such as re-inspections, clearance test and or submission of supporting documents

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)]

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.

E. 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 HOS [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.

J. 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 CFR982.404(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 cancelation due to tenant-caused HQS deficiencies does not preclude the owner from immediately executing a new HAP with HOC for another voucher tenant.

