

VII. HOUSING QUALITY STANDARDS AND INSPECTIONS
 [24 CFR 982.401 and 24 CFR 982.507]

INTRODUCTION

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

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

Part I. Physical Standards.

This part discusses the physical standards required of units occupied by HCV assisted families and identifies decisions about the acceptability of the unit that may be made by the family based upon the family's preference. It also identifies life-threatening conditions that must be addressed on an expedited basis (within 24 hours).

Part II. The Inspection Process.

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

Part III. HUD's Housing Quality Standards (24 CFR 982.401)

Performance and acceptability requirements. This section includes the housing quality standards for housing assisted in the programs and provides additional guidance from the Housing Choice Voucher Guidebook Chapter 10. CDC will also refer to HUD's Housing Inspection Manual when additional guidance is needed.

EXHIBIT 7-1: Special HQS requirements for manufactured homes, shared housing and other special housing types

EXHIBIT 7-2: HQS Inspection Guidance related to Electrical Outlets.

EXHIBIT 7-3: Federal Register/Vol. 79, No. 122 – Annual /Biennial HQS Inspections.

PART I: PHYSICAL STANDARDS

7. I.A. GENERAL HUD REQUIREMENTS

HUD Performance and Acceptability Standards

HUD's performance and acceptability standards for HCV 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
- Carbon Monoxide Monitors

A summary of HUD performance criteria is listed in Part III. of this chapter. Criteria for special housing types such as manufactured homes and shared housing is provided in Exhibit 7-1 located at the end of this Chapter.

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

- Housing Choice Voucher Guidebook, Chapter 10
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (most recent form or revision) and Inspection Checklist, form HUD-52580-A (most recent form or revision)
- HUD Notice 2003-31, Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988

Tenant Preference Items

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

Modifications to Provide Accessibility

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

7. I.B. ADDITIONAL LOCAL REQUIREMENTS

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

HUD approval is not required if CDC additions are clarifications of HUD's acceptability criteria or performance standards [24 CFR 982.401(a)(4)].

Thermal Environment [HCV GB p.10-7]

CDC must define a healthy living environment for the local climate. This may be done by establishing a temperature that the heating system must be capable of maintaining, that is appropriate for the local climate. The heating system (i.e. a working radiator, hot air register or baseboard heat) must be capable of maintaining an interior temperature of 65 degrees when a frost advisory is in effect for the area the unit is located in.

Permanent heating sources are permanently affixed within the unit or building, safely connected to the unit or building electrical system, thermostatically controlled by the unit or building, and appropriate for the size of the unit. The energy source for a permanent heating system can be electric, gas or oil. A fireplace does not meet the self-fueled criteria. Fireplaces also do not evenly distribute heated air throughout a property as effectively as permanently installed heating sources.

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

Clarifications of HUD Requirements

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

1. Smoke detectors must be placed according to local fire marshal directive, and operate as they were designed. One smoke detector must be in the hall way, each bedroom or sleeping room and on each level.
2. Light fixtures must have the globe covers in place.
3. Water heaters must have two (2) earthquake straps. Temperature Pressure Relief Valves (TPRV) must have drain lines no smaller than the cold-water inlet line. This means if the cold-water inlet line is $\frac{3}{4}$ inches then the drain line must be the same. Drain line must be rigid pipe, copper pipe or PVC-C pipe. No tubing or flex line.
4. Sink knobs must operate as they were intended, i.e. hot water dispenses from the knob labeled "H" and cold water dispenses from the nob labeled "C". Other installations are considered hazardous conditions. Exceptions will be made if requested under a reasonable accommodation by persons with disability.
5. Carbon monoxide monitors are required in every dwelling unit in accordance with California law.
6. A unit may fail HQS inspection if a notice of violation for substandard housing is served from County or City officials in regards to local code enforcement/zoning violations and/or health and safety concerns. If such

notice is obtained, CDC will schedule and perform a special inspection. Based on the conditions and health and safety concerns identified, CDC at its discretion may fail the inspection based on the deficiencies listed in the violation, even if the unit would normally pass inspection under the HQS regulatory requirements. In this instance CDC will maintain documentation in the participant file.

7. I.C. LIFE THREATENING CONDITIONS [24 CFR 982.404(a)]

HUD requires CDC to define life threatening conditions and to notify the owner or the family (whichever is responsible) of the corrections required. The responsible party must correct life threatening conditions within 24 hours of CDC notification.

The following are considered life threatening conditions:

- Any condition that jeopardizes the security of the unit.
- Major plumbing leaks, flooding, waterlogged ceilings or floor in imminent danger of failing.
- Natural or LP gas or fuel oil leaks.
- Any electrical problem or condition that could result in shock or fire.
- Absence of a working heating system when there is a frost advisory in effect for the area where the unit is located in.
- Conditions that present the imminent possibility of injury.
- Obstacles that prevent safe entrance or exit from the unit.
- Absence of a functioning toilet in the unit.
- Inoperable smoke detectors.
- Combustible materials near the gas water heater or gas furnace.
- Sewage spills inside the unit or on the surrounding grounds.

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

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

Smoke Detectors

Inoperable smoke detectors are a serious threat to tenant safety and CDC will treat the situation as an emergency (24-hour) fail item. If required, and if a required smoke detector is not operating properly, CDC will contact the owner by phone and require the owner to repair the smoke detector within 24 hours.

CDC will re-inspect the unit the following day.

If CDC determines that the family has purposely disconnected the smoke detector (by removing batteries or other means), the family will be required to repair the smoke detector within 24 hours and CDC will re-inspect the unit. This will be noted on the inspection, as well. CDC will issue a verbal warning to any family found to have purposely disconnected the unit's smoke detector. This warning will state that deliberate disconnection of the unit's smoke detector is a safety and fire hazard and is considered a violation of HQS.

7.I.D. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]

Family Responsibilities

The family is responsible for correcting the following HQS deficiencies:

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

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

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

Owner Responsibilities

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

7.I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL[24 CFR 35.1225]

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

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

In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner. Within 30 days after receiving the

risk assessment report from CDC, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations [24 CFR 35.1325 and 35.1330].

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

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

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

PART II: THE INSPECTION PROCESS

7.II.A. TYPES OF INSPECTIONS

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

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

7.II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]**Timing of Initial Inspections**

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

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

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

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

Initial Inspection Results and Re-inspections

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

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

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

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

Utilities

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

Appliances

If the family is responsible for supplying the stove and/or refrigerator, CDC will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS re-

quirements. The required appliances must be in place before the HAP contract is executed by CDC. CDC will execute the HAP contract based upon a certification from the family that the appliances have been installed and are working properly.

7.II.C. ANNUAL/BIENNIAL HQS INSPECTIONS

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

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

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

INITIAL INSPECTIONS:

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

FIRST ANNUAL INSPECTION:

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

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

ANNUAL INSPECTION:

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

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

BIENNIAL INSPECTIONS:

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

INTERIM/SPECIAL INSPECTIONS:

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

If a family, landlord, third party or government official requests a special inspection the PHA must inspect the unit within 15 days of when the PHA received the notification. In the event of extraordinary circumstances, if a unit is within a presidentially declared disaster area, HUD may waive the 24 hour or the 15 day inspection requirement until such time as an inspection is feasible.

REPORT OF VALID POTENTIAL HAZARDS OR NEGATIVE CONDITIONS:

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

Scheduling the Inspection [24 CFR 982.405(a)]

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

CDC will only re-schedule an inspection one time.

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

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

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

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

Special Inspections may be requested for the following:

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

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

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

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

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

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

Notification of Corrective Actions

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

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

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

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

For deficiencies which are the owner's responsibility to repair, the notice of inspection results will inform the owner that if life threatening conditions are not corrected within 24-hours, and non-life threatening conditions are not corrected within the specified time frame (or any CDC approved extension), the owner's HAP will be abated in accordance with CDC policy (see 7-II.G.).

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

Extensions

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

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

- Parts or services are not available, are on back order, or an alternative is being sought to bring the unit into compliance with HQS.
- Extraordinary expense: , A repair is expensive (e.g. exterior painting or roof repair) and the owner needs time to obtain funds.
- Weather: A repair cannot be completed because of weather conditions.

- Reasonable accommodation is needed because the participating family includes a person with disabilities.
- Scheduling conflicts: The participant/owner must contact CDC at least one business day prior to the scheduled inspection date. If scheduling is the reason for the extension, CDC will require the repair be completed and re-inspected within 14 calendar days
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- Medical / Hospitalization: A repair cannot be completed due to hospitalization or an extreme medical circumstance.

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

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

Re-Inspections

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

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

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

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

The family and owner will be given reasonable notice of the re-inspection appointment. If the deficiencies have not been corrected by the time of the re-inspection, CDC will send a notice of abatement to the owner, or in the case of family caused violations, a

notice of termination to the family, in accordance with CDC policies. Abatement effective dates are clarified below.

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

7. II.G. ENFORCING OWNER COMPLIANCE

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

HAP Abatement

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

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

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

HAP Contract Termination

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

CDC will issue a voucher to permit the family to move to another unit. CDC will allow a maximum length of time that a Housing Assistance Payment may be abated of 120 days. However, if the owner completes corrections and notifies CDC before the termination date of the HAP contract, CDC may rescind the HAP contract termination notice if:

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

Reasonable notice of HAP contract termination by CDC is 30 calendar days. This notice will be given in the abatement notice.

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

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

PART III. HUD'S HOUSING QUALITY STANDARDS (24 CFR 982.401) Performance and acceptability requirements. This section states the housing quality standards (HQS) for housing assisted in the programs based on 24 CFR 982.401 and the Housing Choice Voucher Guidebook Chapter 10.

The HQS consist of:

- (A) Performance requirements; and
- (B) Acceptability criteria or HUD approved variations in the acceptability criteria.

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.

All program housing must meet the HQS performance requirements both at commencement of assisted occupancy, and throughout the assisted tenancy.

In addition to meeting HQS performance requirements, the housing must meet the acceptability criteria stated in this section, unless variations are approved by HUD.

7. III. A. Sanitary Facilities

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.

Acceptability criteria.

- The bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
- The dwelling unit must have a fixed basin in proper operating condition, with a sink trap and hot and cold running water.
- The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.
- The facilities must utilize an approvable public or private disposal system (including a locally approvable septic system).

The bathroom must be contained within the dwelling unit, afford privacy (usually meaning a door, although no lock is required), and be for the exclusive use of the occupants.

The tub/shower, toilet, and basin/lavatory must have a proper sewer trap, drain, and vents to prevent the escape of sewer gases or severe leakage of water. Drains must not be clogged and the toilet must flush. Hot and cold water must be available at the tub, shower, and lavatory taps.

CDC will determine if the bathroom facilities are free of hazards which may endanger the occupants such as damaged or broken fixtures and plumbing leaks. Conditions which do not affect the acceptability of the bathroom include tenant preference items and minor faucet drips.

Only one bathroom is required to meet HQS. Additional bathrooms do not have to contain all plumbing fixtures, but if present, they must not create any unsanitary conditions, be properly plumbed, and be free of sewer gases.

Tenant Preference:

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

7.III. B. Food Preparation and Refuse Disposal*Performance requirement.*

- The dwelling unit must have suitable space and equipment to store, prepare, and serve foods in a sanitary manner.

- 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).

Acceptability criteria.

- 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.
- 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.
- The dwelling unit must have space for the storage, preparation, and serving of food.
- 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).

Hot plates are not acceptable substitutes for stoves or ranges. The oven must heat and all burners on the stove or range must work. All stove or range knobs must be present. The stove or range must be free of hazardous gas hook-ups, gas leaks, or electrical hazards.

The refrigerator must be of adequate size for the family and capable of maintaining a temperature low enough to keep food from spoiling. The PHA may reject the size of the refrigerator only if it clearly cannot serve the needs of the family. For example, a counter-top or compact type would not meet the needs of a family of four. The freezer space must be present and working and the equipment must not present an electrical hazard.

EXAMPLE:

What temperature must a refrigerator maintain to keep food from spoiling?

- Above 32° F, but generally below 40° F.
- Consider how often the refrigerator will be opened. Proper temperatures are difficult to maintain if the refrigerator is frequently opened during warm weather, door seals are removed or broken, or the door sits open.

The sink must have hot and cold running water from the faucets and a proper working sink drain with gas trap. It must also be hooked to an approved water and sewer system. The definition of hot water should be determined by the local health department or applicable local code.

Space for storage, preparation, and serving of food must be present. Built-in space, equipment, table(s), or portable storage facilities are acceptable.

Waste and refuse storage facilities are determined by local practice and may include trash cans or dumpster facilities.

Other room standards apply to the food preparation area and are discussed under those specific requirements below.

Tenant Preference

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/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 shall all be determined by the family.

7. III. C. Space and Security

Performance requirement.

- The dwelling unit must provide adequate space and security for the family.

Acceptability criteria.

- At a minimum, the dwelling unit must have a living room, a kitchen area, and a bathroom.
- 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.
- 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.
- The exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.

A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space.

Unit windows located on the first floor, at the basement level, on a fire escape, porch, or other outside space that can be reached from the ground and that are designed to be opened must have a locking device. (Windows with sills less than six feet off the ground are considered accessible.) Traditional window locks, those provided by storm/screen combination windows, window pins, and nails are acceptable.

Windows leading to a fire escape or required to meet ventilation requirements may not be permanently nailed shut.

Doors leading to the outside and common hallways, fire escapes, and porches or otherwise accessible from the ground must have locks. No specific type of lock is required.

Window and door surfaces (including the door frame) must be in sufficient condition to support the installation and proper operation of window and door locks.

Tenant Preference

The family may determine the adequacy of room sizes and room locations. The family is also responsible for deciding the acceptability of the type of door and window locks.

7. III. D. Thermal Environment

Performance requirement.

- The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body.

Acceptability criteria.

- 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.
- The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Permanent electric heaters are acceptable.

Adequate heat is required in all rooms used for living; the heat source does not have to be located in each room as long as the heat can pass to the appropriate space and meet the definition of adequate. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units located in climatic areas where permanent heat systems are required.

Improper operating conditions, including all conditions that may be unsafe, such as broken or damaged source vents, flues, exhausts, gas or oil lines that create a potential fire hazard or threats to health and safety are not permitted.

Heating unit safety devices must be present, and the heating equipment must have proper clearance from combustible materials and location of oil storage tanks. There must be proper gas and oil connections.

Working cooling equipment refers to a central ventilation system, evaporative cooling system, room or central air conditioning. These systems are not required by HQS, but if present, must be operating safely so as not to create a potential fire hazard or other threat to health and safety.

Tenant Preference

The PHA has no control over energy conservation measures, such as dwelling insulation or installation of storm windows and doors. The family must assess whether a dwelling without these items is acceptable; the family must take into account the cost of utilities billed to the family and personal feelings about adequate heat. Dwellings that are poorly insulated or lack storm windows are generally drafty and more difficult to heat and cool.

7. III. E. Illumination and Electricity*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.

Acceptability criteria.

- There must be at least one window in the living room and in each sleeping room.
- 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.
- 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 PHA must be satisfied that the electrical system is free of hazardous conditions, including: exposed, uninsulated, or frayed wires, improper connections, improper insulation or grounding of any component of the system, overloading of capacity, or wires lying in or located near standing water or other unsafe places.

Outlets must be properly installed in the baseboard, wall, or floor. Hanging light fixtures or outlets from electric wiring, missing cover plates on switches and outlets, badly cracked outlets or cover plates, exposed fuse box connections and, overloaded circuits are unacceptable.

See Exhibit 7-2 for additional guidance regarding electrical outlets.

Tenant Preference

The family may determine whether the location and the number of outlets and fixtures (over and above those required for acceptability standards) are acceptable or if the amount of electrical service is adequate for the use of appliances, computers, or stereo equipment.

7. III. F. Structure and Materials*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.

Acceptability criteria.

- 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.
- The roof must be structurally sound and weather tight.
- 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.
- 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.
- The elevator servicing the unit must be working [if there is one].

The PHA must examine each of the elements listed in the acceptability criteria to determine that each is structurally sound, will not collapse, and does not present a danger to residents through falling or missing parts, or tripping hazards.

The PHA must determine that the unit is free from water, excessive air, and vermin infiltration.

Handrails are required when four or more steps (risers) are present, and protective railings are required when porches, balconies, and stoops are thirty inches off the ground.

The elevator servicing the unit must be working. A current city or state inspection certificate suffices to determine working condition of the elevator.

Manufactured homes must have proper tie-down devices capable of surviving wind loads common to the area.

Tenant Preference

Families may determine whether minor defects, such as lack of paint, or worn flooring or carpeting will affect the livability of the unit.

7. III. G. Interior Air Quality*Performance requirement.*

- The dwelling unit must be free of pollutants in the air at levels that threaten the health of the occupants.

Acceptability criteria.

- The dwelling unit must be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful pollutants.
- There must be adequate air circulation in the dwelling unit.
- Bathroom areas must have one operating window or other adequate exhaust ventilation. If a window is present in the bathroom it must be operable.
- Any room used for sleeping must have at least one window. If the window is designed to be operable, the window must work. .

The PHA must be satisfied that air pollutants such as gas leaks, industrial outputs, and heavy traffic would not present a health hazard.

Air circulation should be checked to determine adequate ventilation. Air conditioning (A/C) provides adequate circulation as do ceiling and vent fans.

The windows must adequately protect the unit's interior from the weather. Windows designed to open must not be painted or nailed shut. The ventilating bathroom fan in the bathroom must operate as intended.

Tenant Preference

Tenants may determine whether window and door screens, filters, fans, or other devices for proper ventilation are adequate to meet personal needs.

7. III. H. Water Supply*Performance requirement.*

- The water supply must be free from contamination.

Acceptability criteria.

- The dwelling unit must be served by an approvable public or private water supply that is sanitary and free from contamination.

The PHA should be satisfied that the water supply is approved by the State or local jurisdiction. Clean water must be distributed to all unit fixtures and waste water must leave the unit to an approved area without presence of sewer gas and backups.

Plumbing fixtures and pipes must be free of leaks and threats to health and safety.

Water-heating equipment must be installed safely and must not present any safety hazards to families. All water heaters must be free of leaks, have temperature/pressure relief valves, and a discharge line. Unless safety dividers or shields are installed water heaters must not be located in bedrooms or living areas where safety hazards may exist.

Fuel burning equipment must have proper clearance from combustible materials and be properly vented.

Tenant Preference

The family may decide if the water heater has a large enough capacity for personal family use.

7. III. I. Lead-Based Paint

Lead-based paint requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero bedroom dwellings. Owners must:

- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- Provide all prospective families with "Protect Your Family from Lead in Your Home",
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities when identified by the PHA
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance ask each family to report deteriorated paint.

For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by the PHA). If lead hazards are identified during the risk assessment, the owner must complete hazard reduction activities. See HCV GB p. 10-15 for a detailed description of these requirements. For additional information on lead-based paint requirements see 24 CFR 35, Subparts A, B, M, and R.

7. III. J. 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).

The PHA must determine that the unit has private access without unauthorized passage through another dwelling unit or private property.

The emergency (alternate) exit from the building (not the unit) may consist of fire stairs, a second door, fire ladders, or exit through windows. The emergency exit must not be blocked. It must be appropriate for the family and considered adequate by local officials.

Tenant Preference

The tenant should assist the PHA in determining if the type of emergency exit is acceptable.

7. III. K. Site and Neighborhood

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.

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.

The PHA determines whether any of the above conditions seriously and continually affect the health or safety of the residents. PHAs should be careful not to restrict housing choice in deciding acceptability. Failing a unit because the neighborhood is considered “bad” is not appropriate.

Take into account whether private unassisted residents are living in the same neighborhood.

Tenant Preference

The CDC should advise consideration of the type of neighborhood, presence of drug activity, commercial enterprises, and convenience to shopping and other facilities known to the CDC before the family selects a unit.

7. III. L. Sanitary Condition

Performance requirement.

- The dwelling unit and its equipment must be in sanitary condition.

Acceptability criteria.

- The dwelling unit and its equipment must be free of vermin and rodent infestation.

The PHA must ensure that the unit is free of rodents and heavy accumulations of trash, garbage, or other debris that may harbor vermin. Infestation by mice, roaches, or other vermin particular to the climate must also be considered.

The unit must have adequate barriers to prevent infestation.

EXAMPLE:

What is infestation of rodents or vermin?

- By definition infestation means more than one bug or mouse. It is easily identified by observing mouse and/or rodent droppings or gnaw marks. If no visible evidence exists, there is probably no infestation.

Tenant Preference

Provided the minimum standards required by the acceptability criteria have been met, the tenant must determine whether the unit is in an adequate sanitary condition. Occasional mice and roaches may be acceptable to the tenant.

7. III. M. Smoke Detectors

Performance requirement

- 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).
- 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).

7.III.N. Carbon Monoxide Monitors

Landlords must maintain carbon monoxide detectors in every rental unit in accordance with California law. The carbon monoxide detector must be in working condition.

Carbon Monoxide detectors must be installed to manufactures specifications.

EXHIBIT 7-1 SPECIAL HOUSING TYPES

§ 982.621 Manufactured home:

A manufactured home must meet all the HQS performance requirements and acceptability criteria in § 982.401. A manufactured home also must meet the following requirements:

(a) Performance requirement. A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

(b) Acceptability criteria. A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

§ 982.618 Shared housing:

(a) Compliance with HQS. The PHA may not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.

(b) Applicable HQS standards. The HQS in § [982.401](#) apply to assistance in shared housing. However, the HQS standards in this section apply in place of § [982.401\(d\)](#) (space and security).

(c) Facilities available for family. The facilities available for the use of an assisted family in shared housing under the family's lease must include (whether in the family's private space or in the common space) a living room, sanitary facilities in accordance with § [982.401\(b\)](#), and food preparation and refuse disposal facilities in accordance with § [982.401\(c\)](#).

(d) Space and security: Performance requirements.

(1) The entire unit must provide adequate space and security for all its residents (whether assisted or unassisted).

(2) (i) Each unit must contain private space for each assisted family, plus common space for shared use by the residents of the unit. Common space must be appropriate for shared use by the residents.

(ii) The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family may not be less than the family unit size.

(iii) A zero or one bedroom unit may not be used for shared housing.

§ 982.605 SRO: SINGLE ROOM OCCUPANCY

(a) HQS standards for SRO. The HQS in § [982.401](#) apply to SRO housing. However, the standards in this section apply in place of § [982.401\(b\)](#) (sanitary facilities), § [982.401\(c\)](#) (food preparation and refuse disposal), and § [982.401\(d\)](#) (space and security). Since the SRO units will not house children, the housing quality standards in § [982.401\(j\)](#), concerning lead-based paint, do not apply to SRO housing.

(b) Performance requirements.

(1) SRO housing is subject to the additional performance requirements in this paragraph

(2) Sanitary facilities, and space and security characteristics must meet local code standards for SRO housing. In the absence of applicable local code standards for SRO housing, the following standards apply:

(i) Sanitary facilities.

(A) At least one flush toilet that can be used in privacy, lavatory basin, and bathtub or shower, in proper operating condition, must be supplied for each six persons or fewer residing in the SRO housing.

(B) If SRO units are leased only to males, flush urinals may be substituted for not more than one-half the required number of flush toilets. However, there must be at least one flush toilet in the building.

(C) Every lavatory basin and bathtub or shower must be supplied at all times with an adequate quantity of hot and cold running water.

(D) All of these facilities must be in proper operating condition, and must be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.

(E) Sanitary facilities must be reasonably accessible from a common hall or passageway to all persons sharing them. These facilities may not be located more than one floor above or below the SRO unit. Sanitary facilities may not be located below grade unless the SRO units are located on that level.

(ii) Space and security.

(A) No more than one person may reside in an SRO unit.

(B) An SRO unit must contain at least one hundred ten square feet of floor space.

(C) An SRO unit must contain at least four square feet of closet space for each resident (with an unobstructed height of at least five feet). If there is less closet space, space equal to the amount of the deficiency must be subtracted from the area of the habitable room space when determining the amount of floor space in the SRO unit. The SRO unit must contain at least one hundred ten square feet of remaining floor space after subtracting the amount of the deficiency in minimum closet space.

(D) Exterior doors and windows accessible from outside an SRO unit must be lockable.

(3) Access.

(i) Access doors to an SRO unit must have locks for privacy in proper operating condition.

(ii) An SRO unit must have immediate access to two or more approved means of exit, appropriately marked, leading to safe and open space at ground level, and any means of exit required by State and local law.

(iii) The resident must be able to access an SRO unit without passing through any other unit.

(4) Sprinkler system.

A sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as State or local law may require must be installed in each building. The term “major spaces” means hallways, large common areas, and other areas specified in local fire, building, or safety codes.

§ 982.609 Congregate housing: Housing quality standards.

(a) HQS standards for congregate housing. The HQS in § [982.401](#) apply to congregate housing. However, the standards in this section apply in place of § [982.401\(c\)](#) (food preparation and refuse disposal). Congregate housing is not subject to the HQS acceptability requirement in § [982.401\(d\)\(2\)\(i\)](#) that the dwelling unit must have a kitchen area.

(b) Food preparation and refuse disposal: Additional performance requirements.

The following additional performance requirements apply to congregate housing:

(1) The unit must contain a refrigerator of appropriate size.

(2) There must be central kitchen and dining facilities on the premises. These facilities:

(i) Must be located within the premises, and accessible to the residents;

(ii) Must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner;

(iii) Must be used to provide a food service that is provided for the residents, and that is not provided by the residents; and

(iv) Must be for the primary use of residents of the congregate units and be sufficient in size to accommodate the residents.

(3) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

§ 982.614 Group home: Housing quality standards.

(a) Compliance with HQS. The PHA may not give approval to reside in a group home unless the unit, including the portion of the unit available for use by the assisted person under the lease, meets the housing quality standards.

(b) Applicable HQS standards.

(1) The HQS in § [982.401](#) apply to assistance in a group home. However, the standards in this section apply in place of § [982.401\(b\)](#) (sanitary facilities), § [982.401\(c\)](#) (food preparation and refuse disposal), § [982.401\(d\)](#) (space and security), § [982.401\(g\)](#) (structure and materials) and § [982.401\(l\)](#) (site and neighborhood).

(2) The entire unit must comply with the HQS.

(c) Additional performance requirements. The following additional performance requirements apply to a group home:

(1) Sanitary facilities.

(i) There must be a bathroom in the unit. The unit must contain, and an assisted resident must have ready access to:

(A) A flush toilet that can be used in privacy;

(B) A fixed basin with hot and cold running water; and

(C) A shower or bathtub with hot and cold running water.

(ii) All of these facilities must be in proper operating condition, and must be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.

(iii) The unit may contain private or common sanitary facilities. However, the facilities must be sufficient in number so that they need not be shared by more than four residents of the group home.

(iv) Sanitary facilities in the group home must be readily accessible to and usable by residents, including persons with disabilities.

(2) Food preparation and service.

(i) The unit must contain a kitchen and a dining area. There must be adequate space to store, prepare, and serve foods in a sanitary manner.

(ii) Food preparation and service equipment must be in proper operating condition. The equipment must be adequate for the number of residents in the group home. The unit must contain the following equipment:

(A) A stove or range, and oven;

(B) A refrigerator; and

(C) A kitchen sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.

(iii) There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

(iv) The unit may contain private or common facilities for food preparation and service.

(3) Space and security.

(i) The unit must provide adequate space and security for the assisted person.

(ii) The unit must contain a living room, kitchen, dining area, bathroom, and other appropriate social, recreational or community space. The unit must contain at least one bedroom of appropriate size for each two persons.

(iii) Doors and windows that are accessible from outside the unit must be lockable.

(4) Structure and material.

(i) The unit must be structurally sound to avoid any threat to the health and safety of the residents, and to protect the residents from the environment.

(ii) Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other significant damage. The roof structure must be firm, and the roof must be weathertight. The exterior or wall structure and exterior wall surface may not have any serious defects such as serious leaning, buckling, sagging, cracks or large holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., must not present a danger of tripping or falling. Elevators must be maintained in safe operating condition.

(iii) The group home must be accessible to and usable by a resident with disabilities.

(5) Site and neighborhood. The site and neighborhood must be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the residents. 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, sewage hazards or mud slides, abnormal air pollution, smoke or dust, excessive noise, vibrations or vehicular traffic, excessive accumulations of trash, vermin or rodent infestation, or fire hazards. The unit must be located in a residential setting.

EXHIBIT 7-2 HQS Inspection Guidance related to Electrical Outlets.**U.S. Department of Housing and Urban Development
Public and Indian Housing**

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

SUBJECT: HQS Inspections for the Housing Choice Voucher Program and Guidance Related to Electrical Outlets**1. Purpose:**

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

2. Applicability:

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

3. Introduction:

The goal of HUD's Section 8 Housing Choice Voucher (HCV) Program is to provide "decent, safe, and sanitary" housing at an affordable cost to low-income families. To accomplish this, HCV program regulations at 24 CFR 982.401 set forth basic housing quality standards (HQS). All units must meet HQS before a PHA can approve a tenancy, and throughout the term of the lease. PHAs must inspect each assisted unit at least annually to ensure the unit meets HQS. HQS define "standard housing" and establish the minimum criteria for the health and safety of program participants. Current HQS regulations consist of 13 key aspects of housing quality, and acceptability

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

4. Background:

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

5. Housing Quality Standards :

A. General

The HCV program is designed to cover a diverse housing stock of different ages, structure types, geographic location and climate. In light of this approach, HUD issued guidance that PHAs can rely upon for the interpretation of HQS. It is important to note that, based upon the diversity of the housing stock nationwide, many of the criteria rely upon the expertise and knowledge of a PHA's housing inspectors to determine whether a unit meets HQS. This Notice identifies program requirements related to HQS inspections as well as reference materials that HUD has issued to supplement the regulatory requirements.

B. Program Requirements

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

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

C. Supplemental Materials

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

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

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

6. Electrical Receptacles:

A. Background

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

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

The inspector is responsible for determining whether the outlets are in “proper operating condition.” While the regulation does not define what the Department considers “proper operating condition,” HUD-Form 52580A cites examples of electrical hazards including:

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

B. Types of Outlets and Their Proper Operating Condition

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

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

Ungrounded Outlets

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

Grounded Outlets

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

“Upgraded” Outlets

Many of the cords for today’s appliances contain three-pronged plugs, which can cause problems when an older home does not have three-pronged outlets for these grounded plugs. In the case of older homes, owners often replace two-pronged, ungrounded outlets with three-pronged, grounded type outlets in order to establish appropriate outlets for appliances that have cords with three-pronged plugs. However, in some cases, owners may replace two-pronged, ungrounded outlets with the three-pronged, grounded type outlets without the necessary rewiring that adds a ground wire to the newly installed, grounded type outlet.

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

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

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

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

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

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

Three-pronged Outlets

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

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

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

Two Wire Tester Three Prong Tester

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

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

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

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

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

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

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