

CHAPTER 10: INSPECTIONS STANDARDS

10. Introduction

Every unit assisted under the Housing Services program must meet the Housing Authority's inspection standards prior to initial occupancy of the unit and throughout the term of the contract between the owner and the Housing Authority. HACSB requires all units to meet Housing Quality Standards (HQS), which are the HUD minimum quality standards for units that receive assistance under the Housing Services program. In addition, the Housing Authority also requires all units to meet additional criteria in alignment with HUD requirements, California law, local codes and other Housing Authority policies. The Housing Authority inspection standards apply to units both in the tenant-based and project-based programs.

This Chapter describes the inspection types and responsibilities of the owner and family and the consequences of non-compliance with the Housing Authority's inspection standards for both families and owners participating in the tenant based program. Inspection types and responsibilities for the project-based program are described in Chapter 20.

10.1 Types of Inspections [24 CFR 982.405]

There are five types of inspections the Housing Authority will perform:

1. Initial/Move-in: The Housing Authority conducts initial inspections upon receipt of a Request for Tenancy Approval (RFTA). The unit must pass the inspection before the effective date of the Contract.
2. Annual: Families who participate in any of the Housing Authority's Traditional, Regulatory Assistance (excluding homeownership families) for Special Purpose programs will have an annual inspection conducted on their unit. For families who participate in the Five Year Lease Assistance, Streamlined Lease Assistance, Transitional Assistance for MTW families or the homeownership program, qualifying units may be eligible for biennial inspections. For units that do not qualify for a biennial inspection, an inspection must be conducted within twelve (12) months of the last inspection.

3. Biennial¹: For families who participate in the Five Year Lease Assistance, Streamlined Lease Assistance or Transitional Assistance for MTW families, qualifying units may be eligible for biennial inspections. For these units, an inspection must be conducted within twenty-four (24) months of the last inspection.
4. Special/Complaint: At request of the owner, the family, an agency, or a third-party a unit will be inspected to ensure compliance with the Housing Authorities Inspection Standards.
5. Quality Control: The Housing Authority will conduct inspections on a random sample of units to ensure consistency and accuracy. Quality Control inspections may also include inspections to determine if additional bedrooms approved for Reasonable Accommodations are being utilized as intended.

All utilities must be in service prior to the effective date of the contract between the owner and the Housing Authority. If the utilities are not in service at the time of inspection, the Inspector will schedule a reinspection or accept documentation from the utility companies. The tenant or owner (whoever is responsible for the utilities according to the RFTA) must have them turned on before the effective date of the lease and all verification must be received prior to the start of the lease.

If the tenant is responsible for supplying the stove and/or the refrigerator, the Housing Authority will allow the stove and refrigerator to be placed in the unit after the inspection as long as unit has passed all other inspection criteria. The Housing Authority will accept the tenant's self-certification that the items have been placed in the unit and may conduct a follow-up inspection to verify the self-certification.

10.1.1 Initial Inspection [24 CFR 982.401(a)]

The Housing Authority will conduct an initial inspection in the unit identified by the family and owner in the Request for Tenancy Approval.

The Housing Authority will determine whether the unit satisfies the inspection standards and notify the family and owner of the determination within a reasonable time frame.

The initial inspection will be conducted to:

¹ The FY 2010 Moving To Work Annual Plan included a Local Inspection Standards activity which allows the Housing Authority to conduct biennial inspections on certain qualifying units.

- Determine if the unit and property meet all HUD required HQS criteria and all HACSB established inspections criteria that are defined in this 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 information to be used for determination of rent-reasonableness.

If the unit fails the initial inspection, the Housing Authority will conduct a re-inspection if requested by the owner and upon verification repairs have been completed.

10.1.2 Annual and Biennial Inspections [24 CFR 982.405 (a)]

The Housing Authority conducts an inspection of each unit under Contract biennially for qualifying units and annually for all other units in the Housing Services program. Families who participate in Traditional, Regulatory Assistance for Special Purpose Programs will never have a unit that qualifies for biennial inspection. Deficiencies which cause a unit to fail must be corrected by the landlord unless it is a fail for which the participant is responsible.

The family must allow the Housing Authority to inspect the unit at reasonable times with reasonable notice. The Housing Authority considers reasonable hours to conduct an inspection between routine hours Monday through Friday.

The Housing Authority will notify the family and landlord in writing at least ten (10) days prior to the inspection. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within thirty (30) days.

If the family does not contact the Housing Authority to reschedule the inspection, or if the family misses two (2) inspection appointments, the Housing Authority will consider the family to have violated a family obligation and their assistance may be terminated in accordance with the termination procedures in Chapter 16 of this Administrative Plan.

10.1.3 Reinspection

If a unit fails annual or biennial inspection, the Housing Authority will schedule a reinspection of the unit and notify the family and owner of the reinspection date and time by mail. If the family is not at home for the reinspection appointment, a card will be left at the unit and another appointment may be scheduled upon approval by a supervisor. The appointment letter contains a warning of abatement (in the case of owner responsibility), and a notice of the owner's responsibility to notify the family.

The family is also notified that it is a family obligation to allow the Housing Authority to inspect the unit. The family will be advised that tenant-caused deficiencies may result in termination of assistance in accordance with Chapter 16.

10.1.4 Special/Complaint Inspections [HCV GB, p 10-30]

If at any time the family or owner notifies the Housing Authority that the unit does not meet inspection standards, the Housing Authority will conduct an inspection.

The Housing Authority may also conduct a special inspection based on information from third-parties such as neighbors or public officials.

In such case, the Housing Authority will conduct a full unit inspection and the responsible party will be required to make the necessary repairs. A passed special inspection does not qualify the unit for biennial inspections.

10.1.5 Quality Control Inspections [24 CFR 982.405(b); HCV GB, p. 10-32]

Quality Control inspections will be performed on a sampling of units throughout the year to ensure that units maintain compliance with inspection standards and also to ensure that each Inspector is conducting accurate and complete inspections, and that there is consistency among Inspectors in application of the inspection standards. The Housing Authority may also conduct quality control inspections to ensure that families who were approved for an additional bedroom under a reasonable accommodation are using the additional bedroom as intended. A passed quality control inspection does not qualify the unit for biennial inspections.

10.2 Unit Deficiencies and Consequences

Deficiencies identified during inspection must be corrected within the time frames identified in this section.

10.2.1 Emergency Repairs [24 CFR 982.404(a)]

Emergency items that are identified through an inspection or verified by another public agency which endanger the family's health or safety must be corrected by the owner within twenty-four (24) hours of notification.

The following items are considered of an emergency nature and must be corrected by within twenty-four (24) hours of notice by the Housing Authority:

- Lack of security for the unit

- Ceiling in imminent danger of falling
- Major plumbing leaks or flooding
- Natural gas leak or fumes
- Electrical problem which could result in shock or fire
- No heat when weather conditions dictate a need for health and safety reasons
- 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
- Inoperable smoke detectors
- Any condition cited as life-threatening by other agencies with jurisdiction

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by the Housing Authority.

If the emergency repair item(s) are not corrected in the time period required by the Housing Authority, and the owner is responsible, the housing assistance payment will be abated and the contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the Housing Authority and the tenant is responsible and in violation of their family obligations, the Housing Authority will take appropriate steps to enforce the family obligations.

10.2.2 Non-Emergency Items

For non-emergency items, repairs must be made within thirty (30) days of the original inspection date unless an extension is granted by the Housing Authority. When it has been determined that a unit on the program fails to meet inspection standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the Housing Authority, the assistance payment to the owner will be abated. The Housing Authority will not pay any housing assistance for the time period the unit is in a failed status.

The Housing Authority may also notify landlords of recommendations for repair of items that would improve the unit but do not fail inspection standards and do not impact the health and/or safety of the participant's household.

10.2.3 Abatement and Termination [24 CFR 985.3(f)]

A notice of abatement and termination of contract will be sent to the owner after the unit is found in noncompliance with inspection standards at the correction date. In addition the move process on behalf of the participant will be started. The abatement will be effective from the first day of the month after the date of the failed re-inspection. The contract termination date will be thirty (30) days after the effective date of the abatement.

The owner may still make repairs on the unit during the abatement period. However, the owner must notify the Housing Authority that repairs have been completed. After receiving notification of completed repairs, the Housing Authority will conduct a reinspection within fourteen (14) days. The family and owner will be notified of the reinspection date in writing. Payment will resume on a unit the day it passes inspection.

No retroactive payments will be made to the owner for the period of time the housing assistance was abated and the unit did not comply with inspection standards.

If repairs are completed before the effective termination date, the termination may be rescinded by the Housing Authority if the participant chooses to remain in the unit. Only one (1) reinspection will be conducted after the termination notice is issued.

10.3 Determination of Responsibility [24 CFR 982.404]

Certain inspection standard deficiencies are considered the responsibility of the family:

- 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 not be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other inspection standard violations. Under California law, the owner must make repairs to the unit, regardless of whether the damage was tenant caused. The owner may charge the tenant for the repair, but cannot opt not to make repairs when it is determined it was tenant caused. The only exception is when utilities are not on, and the tenant is responsible, per the lease and contract, to pay for the utilities.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The Housing Authority may terminate the family's assistance on that basis.

If a non-emergency violation of inspection standards is determined to be the responsibility of the family, the Housing Authority will require the family make any repair(s) or corrections within thirty (30) days. If the repair(s) or correction(s) are not made in this time period, the Housing Authority will terminate assistance to the family. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the contract will terminate when assistance is terminated.

10.4 Additional Local Requirements [24 CFR 982.401 (a)(4)]

The Housing Authority adheres to all HUD required standards under Housing Quality Standards (HQS). The Housing Authority has also adopted additional quality standards in alignment with HUD regulations, California law, local codes and Housing Authority policy. These policies are not likely to adversely affect the health or safety of participant families or severely restrict housing choice. These additions are clarifications of HUD's acceptability criteria or performance standards.

All Housing Authority inspection standards can be reviewed through the Housing Authority website at: www.hacsb.com. Specifically, HACSB has clarified the following criteria for all units in the Housing Services program:

A. Thermal Environment [HCV GB p.10-7]

- i. Primary heat source must be capable of generally maintaining an even temperature of sixty-five (65) degrees in all rooms in the unit living and sleeping area.
- ii. A working air conditioning or cooling system capable of cooling one central area of the unit is required where any monthly average temperature exceeds ninety-five (95) degrees.

B. Water Heaters

- i. Water heater tanks must have two (2) earthquake straps in place, one (1) in the top third of the tank and one (1) in the bottom third of the tank.

- ii. Water heaters must have a discharge line as a safeguard against buildup of steam in case the water heater malfunctions.
- C. Exterior and Interior Surfaces
- i. Any exterior or interior surfaces with peeling or chipping paint must be scraped and painted with two (2) coats of unleaded paint or other suitable material.
 - ii. Visible mold/mildew must be eliminated. Rotted wood trim, roof or flooring must be replaced.
- D. Windows
- i. All window sashes must be in good condition, solid and intact, and fit properly in the window frame. Damaged or deteriorated sashes must be replaced.
 - ii. Window screens must be in good condition. (Applies only if screens are present or are required per HQS.)
 - iii. Window must provide a weather tight seal against any air or water infiltration and have a permanent working window lock
- E. Doors
- i. Exterior entries to unit must have doors that are secure, lockable and designed and equipped for exterior use. They must be solid and not with a hollow core.
 - ii. All interior doors must have no holes, have all trim intact, and be openable without the use of a key. The striker plate must be securely in place.
 - iii. Door knobs must be in proper working order.
 - iv. No double keyed deadbolts are allowed in the interior of a unit.
- F. Bedrooms
- i. The minimum acceptable bedroom size will be seventy (70) square feet or seven (7) feet by ten (10) feet.
 - ii. Rooms identified as bedrooms must have a permanent closet, a window and a door for privacy.
- G. Floors
- i. All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be re-secured and made level. If they cannot be leveled, they must be replaced.
 - ii. All floors must be in a finished state (no plywood or other surface not designed to be exposed).

H. Sinks & Toilets

- i. All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.
- ii. All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

I. Exteriors

- i. The Housing Authority may enforce local codes, ordinances and/or recognizable community standards in requiring that appropriate landscaping be installed and maintained in all areas visible from the street and including common areas under the landlord's control. Large holes and exposed brackets on the ground must be remedied.
- ii. Graffiti must be removed or painted over anywhere on property.
- iii. Fencing must be secure and free from loose or broken/hazardous materials.

J. Security

- i. If window security bars or security screens are present on bedroom window, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

K. Fire Safety

- i. The garage-to-house connecting door must self-close, latch properly when it closes, and be sealed to prevent airflow around all four edges.
- ii. Excessive accumulation of material or belongings in unit must not hinder movement through the unit in an emergency.
- iii. A common wall between a garage and the interior area of the unit must provide a firebreak by having the garage side of the wall finished with five-eighths inch (5/8") drywall. All joints, corners, holes or cracks must be properly sealed with joint tape and taping compound.

L. Health and Sanitation

- i. Excessive accumulation of material or belongings in the unit must be cleared out to avoid or eliminate unsanitary conditions.

M. Motor Vehicles

- i. Vehicles that are inoperable or that present a physical hazard must be removed from the premises or stored in a garage or other storage building.

N. General Health and Safety

- i. The Housing Authority may fail a unit for any health or safety hazard not specifically mentioned in Housing Quality Standards.

O. Modifications

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

P. Carbon Monoxide Detectors

- i. At the time of the HQS inspection, any unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage must have a carbon monoxide detection device installed. Placement of the device should be as follows;
- ii. There must be one centrally located outside of each separate sleeping area in the immediate vicinity of the bedrooms, and each detector shall be located on the wall ceiling. Any other location is only acceptable if specified in the installation instructions that accompany the unit. If there are distinctly separate sleeping areas in the unit, there must be a detector for each sleeping area.
- iii. There must be at least one Carbon Monoxide detector on each level of the unit.
- iv. Carbon Monoxide detectors cannot be installed directly above, or next to a fuel burning appliance.
- v. If the device is a combination carbon monoxide device and smoke detector, then the combined device must emit an alarm or voice warning in a manner that clearly differentiates between a carbon monoxide alarm warning and a smoke detector warning.

10.5 Lead Based Paint

The Housing Authority policy on lead based paint aims to cover the regulations as described in The Lead-Based Paint Poisoning Prevention Act as amended (24 U.S.C. 4821-4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 and implementing regulations at 24 CFR Part 35 Subparts A, B, M and R which apply to the Housing Services program. These requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six (6) years of age, excluding zero bedroom dwellings.

During initial, annual and biennial inspections of pre-1978 units that are occupied by families with children under six (6) years of age the inspector must conduct a visual assessment for deteriorated paint surfaces and the owner must stabilize deteriorated

surfaces. Applicable areas include painted surfaces within the dwelling unit, exterior painted surfaces associated with the dwelling unit and common areas of the building through which residents must pass to gain access to the unit and areas frequented by resident children under six (6) years of age, including play areas and child care facilities.

If the visual inspection identifies deteriorated paint surfaces, the Housing Authority must notify and require the owner to perform stabilization of the surfaces within thirty (30) days of notification in occupied units and before commencement of an assisted tenancy. Any deteriorated paint surfaces identified will result in a failed inspection.

When weather conditions prevent stabilization of deteriorated paint surfaces on exterior surfaces within the thirty (30) day period, stabilization may be delayed for a reasonable time. The owner must have a clearance examination conducted by a person who has EPA or state-approved training and are licensed to perform clearance examinations.

Failure to comply with paint stabilization requirements, regardless of the amount of deteriorated surface results in disapproval of the tenancy, abatement of the payment to owner, and/or termination of the contract.

10.5.1 Housing Authority Responsibilities

In regard to Lead Based Paint regulatory requirements, the Housing Authority is the responsible party for the following:

- Provide participant families with a copy of Protect Your Family From Lead in Your Home or other EPA approved documents;
- Conducting a visual assessment for deteriorated paint (i.e. peeling, chipping, flaking) surfaces at initial and annual inspections; and
- Informing owners that a clearance examination must be conducted where required.

10.5.2 Owner Responsibilities

In regard to Lead Based Paint regulatory requirements, the property owner is the responsible party for the following:

- Disclosing known lead-based paint hazards to all potential residents prior to execution of a lease;
- When necessary, performing paint stabilization to correct deteriorated paint;
 - Each time such an activity is performed, notify tenants about the conduct of lead hazard reduction activities and clearance (if required);

- Conducting lead hazard reduction activities when required by the Housing Authority;
- Performing all work in accordance with HUD prescribed safe work practices and conducting clearance activities when required;
 - When clearance activities are required, providing a copy of certification of the clearance to the Housing Authority
- Performing ongoing maintenance
 - As part of ongoing maintenance the owner must provide written notice to each assisted family asking occupants to report deteriorated paint. The notice must include the name, address and phone number of the person responsible for accepting the occupant's complaint.

10.6 Special Requirements for Children with EIBLL [24 CFR 31.1225]

If the Housing Authority 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 six (6) years of age, living in a Housing Services Program-assisted unit has been identified as having an environmental intervention blood lead level (EIBLL), the Housing Authority must complete a risk assessment 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 thirty (30) days after receiving the risk assessment report from the Housing Authority 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 31.1325 and 35.1330]. If the owner does not complete the "hazard reduction" as required the dwelling unit is in violation of inspection standards and the Housing Authority will take action in accordance with the contract, abate the unit and allow the family to move.

On an annual basis, the Housing Authority must also collect data from the local health department on program participants under age six (6) who have identified environmental intervention blood lead levels (EIBLL).