



## Housing Quality Standards (HQS) Frequently Asked Questions Regarding Inspections

### What is an HQS Inspection?

HPD is required to perform an HQS inspection of all Section 8 apartments before a participant enters into a *Housing Assistance Payment (HAP)* contract with an owner, and at least once a year after that. The inspection confirms whether an apartment meets minimum physical standards established by the *U.S. Department of Housing and Urban Development (HUD)*. HUD housing quality standards aim to insure that a tenant's apartment is safe, healthy, and comfortable. These standards mandate that every Section 8 apartment must have central heat, hot and cold water, and a window in each living room and bedroom. In addition, all apartments, with the exception of single room occupancy (SRO) units, must have a private bathroom with all facilities and a fully equipped kitchen.

### What are the various types of inspections?

There are six types of inspections. They are:

- ❑ *Initial Inspection:* Conducted before a HAP Contract is executed.
- ❑ *Annual Inspection:* Conducted at least once annually.
- ❑ *Complaint/emergency Inspection:* Conducted at the request of a tenant or landlord to determine whether failure items exist in the unit.
- ❑ *Re-inspection:* Conducted to confirm that a failure that is considered an emergency, tenant's responsibility to fix or that was identified in a vacant unit has been corrected.
- ❑ *Verification Inspection:* Conducted to confirm that a non-emergency failure that is the landlords responsibility to fix has been corrected.
- ❑ *Quality Control Inspection:* Conducted by a supervisory level HQS inspector to confirm that a previous inspection was performed correctly.

### Who is responsible for providing access to the unit for an inspection?

For initial inspections of vacant units, the owner is responsible for providing access to the unit; failure to do so may result in a cancellation of their Request for Tenancy Approval (RFTA). For occupied units, the tenant is responsible for providing access to the unit. If two scheduled HQS inspections are missed, due to the tenant's failure to provide access, HPD will deny assistance or terminate the family from the program for failure to uphold their family voucher obligations under federal regulation 24 CFR 982.551.

### How do the Inspectors decide whether to pass or fail an apartment?

The inspectors use the (HUD) Inspection Checklist, which is physically located inside their palm pilots (handheld computers). These checklists are used as a guideline to determine if the unit meets HQS standards. One single failure item on this checklist will result in a failed inspection result. The Inspector must then determine whether it was landlord or tenant-caused and whether it is an emergency or non-emergency fail. The Inspector will note the inspection result and provide details of all failure items.


### What happens if the inspection results in a fail?

#### *In the case of an Initial Inspection:*

Both the owner and applicant will be notified of the failure items. The applicant will have the option of waiting to see if owner will correct the failure items within a reasonable time or continue a housing search. If applicant chooses to wait, the owner must notify HPD that failure items have been corrected and a re-inspection of the unit must be scheduled to confirm unit passes HQS.

**In the case of an Emergency Failure:**

If it was determined that a unit has an Emergency failure the owner will be notified via fax or telephone regarding the emergency condition. The owner will have 24 hours to repair the unit before a re-inspection occurs. If the failure item(s) are not corrected, the Housing Assistance Payment (HAP) will be suspended on the first of the month following the failure date, and will not be reinstated until there is a passed inspection result. Failure items include:

- No heat or hot water from October 1st-May 31st the designated "Heat Season"
- Broken, non-insulated, or frayed wiring
- Serious defects to ceilings or walls where there is a potential for imminent collapse
-  Missing window guards where there are children ten and under residing in the unit

**In the case of a non-emergency failure that is the tenant's responsibility to fix**

The tenant will have 28 days to correct failure items. A re-inspection will be scheduled to verify if failure item(s) was corrected. If the failure item(s) was not corrected, HPD will initiate subsidy termination.

**In the case of a non-emergency failure that is the landlord's responsibility to fix:**

Landlord will receive a *First Failure Notice*, a copy of the inspection report, and a *Certification of Completed Repairs* form in the mail within 3-5 business days. The owner must submit the *Certification of Completed Repairs* form to HPD before the correction deadline indicated on the *First Failure Notice* to avoid an interruption in HAP. Certification of Completed Repairs can be submitted via certified mail, fax or e-mail only.

**Can a landlord submit a Certification of Completed Repairs form after abatement begins?**

Yes.

**If a Certification of Completed Repairs is submitted, does that mean the unit will not be re-inspected?**

HPD reserves the right to conduct verification inspections. However, HPD will no longer automatically schedule re-inspections for non-emergency failures that are the landlord's responsibility to fix. Re-inspections will still be mandatory for Emergency failures, failures in vacant units and failures that are the tenant's responsibility to fix.

**Can a Certification of Completed Repairs form be submitted without a tenant signature?**

If the owner has made the required repairs and is unable to obtain the signature of the tenant, the landlord has the option to request a verification inspection by indicating so on the *Certification of Completed Repairs* form. Landlords are strongly encouraged to request an inspection if they are having difficulty obtaining their tenant's signature. Requests for verification inspections must be received prior to the correction deadline indicated in the *First Failure Notice* to avoid an interruption in HAP.

**What if a tenant signed a Certification of Completed Repairs form but the repairs have not been made?**

After HPD has received a *Certification of Completed Repairs* form, HPD will send a "*Notice of Receipt of Certification of Completed Repairs* form". If the repairs were not made, the tenant should inform the HQS unit immediately.

**If there is a disagreement with a determination that a failure was either landlord or tenant-caused, can you appeal the decision?**

If there is a disagreement with an inspector's determination, both the tenant and landlord have the option to appeal the decision by contacting the HQS unit and presenting all evidence that the failure was the fault of the other party. If a supervisory inspection is needed, one will be scheduled. During this time, if the party that the failure was attributed chooses not to make the repairs and the correction period passes, HQS enforcement will take place (In the case of items attributed to landlord, HAP Abatement, failures attributed to tenant, subsidy termination) However, if it is decided that the initial determination was wrong and the failure was the other party's fault, reversal of the HQS enforcement will take place and the proper course of HQS enforcement will begin.

**What if a landlord can not obtain access to make repairs?**

Provisions are usually included in standard leases reserving the landlord's right to gain entry in order to make repairs. If a tenant fails to provide access during reasonable hours at least two times, the landlord must document date and time of attempts and submit them to the HQS Unit. HPD will send a "*Section 8 Participant Obligations: Providing Landlord Access for Housing Repairs*" letter to the tenant which encourages tenants to provide access. Any emergency move requests submitted by the tenant for HQS failure will be denied. Once repairs have been made, retroactive HAP payment will be made to the date repairs were attempted.

**You can now contact the HQS Unit in several ways**



(917) 286-4300



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[S8landlords@hpd.nyc.gov](mailto:S8landlords@hpd.nyc.gov) (Landlords only)  
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