

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, and will not be reinstated until there is a passed inspection result. Failure items include:

- No hot water at any time, and/or no heat 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
- NEW!** Missing window guards where there are children ten (10) 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* form can be submitted via certified mail, fax or e-mail only and is acceptable even after abatement begins. If a landlord chooses to send the *Certification of Completed Repairs* form via fax or mail, they must send it to the fax number and e-mail address stated on the *Certification of Completed Repairs* form only..

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. If a verification inspection is conducted and confirms that a failure item that the landlord certified corrected still exist, HPD will retroactively abate HAP effective to the first of the month following the correction period. 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 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" to the tenant. 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 to whom 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; for 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.