

HUD Request for Comments: National Standards for the Physical Inspection of Real Estate and Associated Protocols

June 17, 2022

VII. Request for Comment on Questions Related to Specific Deficiencies

HUD seeks comment on all standards proposed in this document. Additionally, HUD seeks responses to the specific questions below regarding additional changes which HUD is considering but has not proposed in draft form in the standards associated with this request for comments.

Question for Comment #1: Required use of moisture meters and established moisture levels for risk mold risk thresholds

HUD is considering amending the proposed “Mold-Like Substance Standard” to include a Deficiency or Deficiency Criteria related to mold risk. This amended Deficiency would help identify sources of moisture conducive to potential mold or mold-like substances. The amended Deficiency would outline the required use of moisture meters and moisture levels and establish the threshold for such a Deficiency. The amended Deficiency would also recommend, but not require, the use of infrared cameras to detect moisture intrusion. HUD seeks input on this proposed requirement, the use of appropriate equipment, and what would be an appropriate correction timeframe.

Question for Comment #2: Definitional and owner responsibility changes to providing “safe” drinking water in HUD-assisted housing

As discussed in the NSPIRE proposed rule, HUD is considering adding the term “safe” to the regulations at [24 CFR 5.703\(d\)](#) addressing drinking water. This addition would cover situations where the public water supply system has identified drinking water contamination and notified customers of the hazard. This change would not require a new standard. The NSPIRE inspector would collect information from the property manager or owner on the following: (1) any current local water alerts for the jurisdiction where the housing is located; and (2) the name of the public water supply system that serves the property. For the building information collection, the property manager or owner would advise if the property is known to be serviced by a lead service line. If this information is not known for the portion of the pipe on the property, the owner or manager would be asked to identify the water service point of entry into the building and the inspector would conduct a visual evaluation. Details on the process would be published in a subsequent notice. HUD seeks comment on the advisability of adding new requirements for the PHA submission of information performed in advance or as part of the physical inspection.

Question for Comment #3: Permanent requirement for heating and air condition, despite climates where one or the other is not necessary

HUD previously requested public comment in the NSPIRE proposed rule regarding a new deficiency under the heating ventilation and air conditioning (HVAC) standard for the requirement of permanently installed heating sources. HUD recognizes there may be properties across HUD assisted housing located in perennially warm climates where a permanent heating source may not be necessary or required by

local codes. HUD seeks input on these unique climates to better understand where these conditions may exist in HUD assisted properties.

Question for Comment #4: Amended severity level deficiencies for units with observed temperatures below 68 degrees (severe non-life-threatening) and 64 degrees (life-threatening)

HUD is considering amending the deficiency titled “A permanently installed heating source is damaged, inoperable, missing, or not installed and the outside temperature is below 68 degrees Fahrenheit” to have two distinct severity levels. The proposed deficiency would be amended to require properties to be maintained at a minimum unit temperature of 64 degrees Fahrenheit. A new severe non-life-threatening deficiency would be added for properties with observed unit temperatures between 64- and 67.9- degrees Fahrenheit. HUD seeks input on the advisability of creating two levels of severity for the minimum temperature deficiency.

Question for Comment #5: Targeted heat source and temperature requirements for specific months of the year and specific climate zones

HUD is considering amending the deficiency titled “A permanently installed heating source is damaged, inoperable, missing, or not installed and the outside temperature is below 68 degrees Fahrenheit” in the HVAC standard to limit the application of this standard and deficiency to specific months of the year and specific climate zones. HUD recognizes the current deficiency may not capture unique climate differences across HUD assisted properties. HUD seeks input on the use of specific months or climate zones for the application of the minimum temperature deficiency.

Question for Comment #6: Ambient temperature requirements and inspection methods

HUD is considering amending the deficiency “A permanently installed heating source is damaged, inoperable, missing, or not installed and the outside temperature is below 68 degrees Fahrenheit” in the HVAC standard to include measurement by an ambient temperature thermometer provided by the inspector to determine whether the heating source is properly functioning. The amended deficiency would also outline inspection protocols required for using the thermometer. HUD seeks input on this proposed equipment requirement for the minimum temperature deficiency in the HVAC standard.

Question for Comment #7: Definitions for permanently installed heating sources

HUD previously requested public comments in the NSPIRE proposed rule regarding a new deficiency under the HVAC standard for the requirement of permanently installed heating sources. After reviewing public comments, HUD recognizes the need to define “permanently installed heating sources.” HUD seeks specific input on defining this term.

Question for Comment #8: A new deficiency for certain types of space heaters

HUD previously requested public comments in the NSPIRE proposed rule regarding a new deficiency under the HVAC standard for the requirement of permanently installed heating sources. HUD recognizes there may be extreme cold weather conditions when supplemental heating units may be needed to maintain a safe level of heat. HUD is considering amending the HVAC standard to create a new deficiency for the presence of unvented, fuel-burning space heaters due to the associated fire and carbon monoxide risk. HUD seeks input on this proposed deficiency for unvented, fuel-burning space heaters.

Question for Comment #9: New deficiency and testing for unprotected outlets present within six feet of a water source

HUD is considering amending the “unprotected outlet is present within six feet of a water source” proposed deficiency within the Electrical—Outlet and Switch Standard to explicitly allow using a receptacle tester with a ground fault circuit interrupter (GFCI) test button or using the integral device tester during the inspection process. This amended Deficiency would specify the acceptable types of receptacle testers and could include acceptable industry standards for a receptacle tester with a GFCI test button. An example of an acceptable industry tool standard would be Underwriters Lab Standard 1436-for Outlet Circuit Testers and Similar Indicating Devices. The amended deficiency would also add protocol details to the inspection process for the deficiency. HUD seeks input on this proposed tool specification requirement.

Question for Comment #10: New deficiency to address leaks onto or near electrical components in the built environment

HUD is considering amending the Electrical—Conductor standard to include a new deficiency to address leaks onto or near electrical components in the built environment. HUD seeks input on deficiency criteria for this proposed deficiency.

Question for Comment #11: Adjusted correction timeframe for severe non-life-threatening deficiencies where a corrective action is not technically feasible within 24 hours

HUD is considering amending the correction timeframes for standards and deficiencies categorized as “Severe Non-Life Threatening” where a corrective action may not be technically feasible within 24 hours. The statutory repair timeframes required under HOTMA prevent changes to correction timeframes to properties in the HCV or PBV programs. The amendment HUD is considering would continue to require that the Health or Safety risk to the resident be removed within 24 hours, but the correction timeframe would be extended. HUD recognizes that not all severe conditions can be repaired within 24 hours as they may require building permits or engaging the services of an appropriate contractor. HUD seeks specific input on whether this proposed change in correction timeframes should be addressed within the standards or through an administrative process where HUD makes an adjustment within its database to reflect an extended timeframe of repair. HUD also seeks specific input on which standards and deficiencies would benefit from this proposed approach to corrections.

Question for Comment #12: New and elevated “extensive” infestation standard

HUD is considering amending the Infestation Standard to create new deficiencies for extensive infestations for the pest deficiencies, which currently lack an extensive deficiency. The current deficiency criteria for extensive cockroach infestation have a specific threshold for the visual observation. The amended standard would include specific criteria with thresholds comparable to the existing extensive cockroach infestation deficiency. HUD seeks input on this proposed deficiency, appropriate deficiency criteria and which pests, if others, should also be covered under the Infestation Standard and elevated to “extensive.”

Question for Comment #13: extended correction timeframes for infestation when utilizing industry best practices

HUD is considering amending the Infestation Standard to create a longer timeframe of repair for severe infestation deficiencies. The amended deficiency would allow longer correction timeframes when properties utilize industry best practices for mitigating infestations and assessing infestation risks. The amended correction timeframes that HUD is considering would apply only to Public Housing and Multifamily properties due to the statutory constraints on the HCV and PBV programs. An example of industry best practices would be utilizing integrated pest management as a form of proactive pest control. HUD seeks input on an appropriate correction timeframe and use of industry best practices to address infestations in HUD-assisted properties.