

U. S. Department of Housing and Urban Development
Office of Real Estate Assessment Center's

Uniform Physical Condition Standards Interpretations



As of September 2003

PRESENTED BY

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PIH-REAC INTERPRETATIONS

To inspector requests for clarification

PIH-REAC issued two guidances since August 2002 that prompted clarifications from me below are those clarifications:

PIH-REAC COMPILATION BULLETIN

Response to Inspector Morosco Questions related to the REAC Compilation Bulletin issued August 14, 2002 and re-issued August 26, 2002, these responses were received in a document provided by Mr. William C. Wong, Regional Quality Assurance Manager, Office of PIH-REAC on September 26th 2002

Question # 1: The Compilation Bulletin is an unsigned document that in several areas make changes to the protocol that has been issued in the official Federal Register notices. Is it correct to assume that this document supersedes officially published Federal Register notices that were previously issued by HUD?

Response # 1: *REAC inspector is solely required to be familiar and compliance with UPCS standards and requirements. Inspector should not be concerned with issues related to Federal Register notices.*

Question # 2: How does an inspector address issues of reasonable accommodation where the unit is not specifically designed as 504? For example, if an elderly/disabled resident who utilizes a walker and resides in a "standard" unit asks for an accommodation to have interior doors removed. Should the REAC inspector record these missing doors as defects even though there is a stated accommodation made by the property?

Response # 2: *As repeatedly stated in REAC PASS training and in various REAC directives issued previously, REAC inspection is not a code inspection. Accordingly, inspector is not required to be familiar with the reasonable accommodation requirements under UFAS. Inspector is only required to understand the definition for "504 Units" and apply the definition in accordance with UPCS standards and requirements.*

Question # 3: According to your new definition of a building it now must be enclosed on "ALL" sides. Is it correct to now assumed that 3 walled maintenance garage are no longer to be inspected under UPCS because they no longer fit the definition of a building?

Response # 3: *A maintenance garage enclosed on three sides does not meet the definition of a building and should be inspected in accordance with the guidance provided in the REAC Compilation Bulletin dated August 26, 2002.*

Question # 4: Could you please clarify the reasoning for the change in policy? Prior To this It was understood that it was "acceptable" to give the list to the P/O/A when beginning the inspection tour. This is my view presents an appearance of starting the inspection from a standpoint of "miss-trust" towards the property and the field inspector by REAC.

Response # 4: *This is not a change in policy. UPCS standards and requirements have always called for inspector not to share sample buildings and units with property personnel prior to or during the course of the inspection. This reminder was included in the REAC Compilation Bulletin to ensure straight compliance with this requirement.*

Question # 5: Does REAC interpret that a property representative who “questions” or “challenges” a level of severity or attempts to discuss and be “educated” as to a defect definition and/or asks to be shown the definition or protocol guidance within the inspector’s DCD as being “argumentative”? Should the inspector be allowed or required to answer questions that asked in a normal manner regarding the UPCS protocol?

Response # 5: *Professional common sense should be applied in interpretation of P/O/A behavior. In general, inspector is only required to call out deficiencies and its level. Any further discussion is not considered a part of the UPCS standards and requirements.*

Question # 6: Regarding three participants, must the three be separate individuals? Can there be one person listed twice or three times? If not, what does and inspector do if there are NOT Three separate participants to be provided by the property?

Response # 6: *As stated in the Compilation Bulletin, inspector is only required to identify three participants. The requirements do not call for the three participants must be separate individuals. However, inspector should make every effort to identify three separate individual, whenever possible.*

Question # 7: Could you clarify the purpose of this policy? Why must an inspector ONLY start at 9am or 1pm. This appears to violate the SSA rules with respect to Independent Contractor relationship and our ability to be independent versus and employee relationship.

Response # 7: *Please refer to page 8 of the REAC Compilation Bulletin date 8/26/02 for the requirement of inspection starting time.*

Question # 8: What is the definition of a “main entrance” in buildings of a design and type where the ONLY exterior doors lead directly to a UNIT? Does an inspector pick a single unit door as a main entrance? (this has been stated to be the action by HUD QA persons)

Response # 8: *Professional common sense should be applied. For the purpose of answering FHEO questions, building such as a single family house, unit entrance door is considered main entrance of this dwelling building.*

Question # 9: According to UFAS guidelines section 4.3.8 changes in levels along an “accessible route” allow up to ½ inch and would still meet the definition of “Level”. How does REAC define “level surface”? It would seem a wise course of action that of this is only for collection of information for HUD’s Office of FH that inspectors collected data in an accurate manner?

Response # 9: *Again, REAC inspector is not conducting a code inspection and is not required to be familiar with UFAS standards. Inspector should apply professional common sense in the interpretation of “level surface”.*

Question # 10: Since the protocol allows within the units that the inspector is not required to move furniture to gain access to an inspectable area. What would be done in a case where there is a “ladder” to the roof but it is practically inaccessible? For example, in one building where an inspection was conducted the access ladder was in a unit closet that was overstuffed with personal effects, neither the resident, management or the inspector wished to remove them.

Response # 10: *Inspector is required to conduct inspection on all inspectable areas. Inspector encountering inaccessible areas during the course of the inspection should contact the Help Desk for guidance.*

Question # 11: Insulated glass units that show evidence of seal leakage such as condensation or discoloration **between** the glass panes must be recorded as a Missing/Deteriorated Caulking/Glazing Component, Level 3 deficiency. This reflects a direct change to the CFR issued 26NOV01 and 28JUN00. Is it correct now to assume according to the change made above that if there is “evidence”

of seal leakage and NO evidence of damage to the window or surrounding structure that Inspectors are still to record the deficiency as Level 3?

Response # 11: *As stated earlier, REAC inspector is solely required to be familiar and compliance with UPCS standards and requirements. Inspector should not be concerned with issues related to Federal Register notices. In this instance, evidence of seal leakage as depicted in the Compilation Bulletin must be recorded as a Level 3 deficiency.*

Question # 12: Which is it, if there is a lock on an electrical box and they do not readily have a key, does an inspector record a defect or not?

Response # 12: *As stated on page 15 of the Compilation Bulletin, locked pane boxes are not a deficiency if property personnel can quickly provide access. Otherwise, these should be recorded as Blocked Access to Electrical Panel.*

Question # 13: Why wouldn't the inspector on a multifamily property with a greater than 15% vacancy when confronted with a sample unit (either vacant or occupied) select an alternate unit through the PASS software that would be either vacant or occupied with utilities turned on?

Response # 13: *Both REAC and inspector are required to comply with 15% vacancy inspection requirements mandated by HUD's Office of Multifamily.*

Question # 14: Why are damaged bedroom door locks allowed in Public Housing but NOT in Multifamily Housing?

Response # 14: *Both REAC and inspector are required to comply with bedroom door locks inspection requirements mandated by HUD's Office of Multifamily and Office of Public Housing.*

Question # 15: What would the inspector record if there is a switched wall outlet (normally for the installation of a resident t owned lamp) and there is no lamp in the room?

Response # 15: *If inspector cannot inspect a room in a unit for a switched light source, the inspector must record as a Missing/Inoperable Fixture as applicable.*

Question # 16: Is a basement where there may be a laundry or family type room or workshop be considered a "living level". It would be obvious that they do not spend a majority of their time there.

Response # 16: *A basement, finished or unfinished, where residents are using either for recreation purpose or doing laundry and/or utility-related services, meets the definition of a "living level".*

Question # 17: Remembering that your stated protocol allows within the units that the inspector is not required to move furniture to gain access to an inspectable area....if the window is not readily accessible is it still required to be tested and inspected?

Response # 17: *Inspector is required to conduct inspection on all inspectable areas. Inspector encountering inaccessible areas during the course of the inspection should contact the Help Desk for guidance*

PIH-REAC issued two guidances since August 2002 that prompted clarifications from me below are those clarifications:

PIH-REAC INSPECTOR NOTICE 2003-02

Response to Inspector Morosco Questions related to the REAC Inspector Notice 2003-02 issued January 31, 2003,, these responses were received in an e-mail on February 6th, 2003 from Mr. Nelson Stephens, Inspector Administration, Office of PIH-REAC

TO: REAC Physical Inspection Inspector
FROM: Mark Pilakowski, Acting Deputy Director, Office of PIH/REAC
SUBJECT: Clarification on Fire Extinguishers, Call-For-Aid, and Electrical box

This memorandum provides additional clarification for several issues addressed in the REAC Compilation Bulletin dated August 26, 2002. The REAC Compilation Bulletin will be updated to incorporate the following subject matters.

FIRE EXTINGUISHERS

HUD PIH/REAC protocol requires inspection of existing Fire Extinguishers, which consists of visually checking the certificate attached on the unit of a re-chargeable extinguisher. This requirement is intended for re-chargeable fire extinguishers. However, some properties are using disposable (or non-rechargeable) fire extinguishers. To clarify, inspection of disposable fire extinguisher will consist of a visual check of the gauge, which must clearly indicate that the fire extinguisher is adequately charged (i.e. arrow on gauge is pointing on the green area).

QUESTION: *Who will make the determination that the distinguishers are classified as "disposable"? I understand that these are generally those types that are 10lbs or under in weight and generally do not have tags. but I also understand that there are also rechargeable ones in that size.....if the P/O/A states they are disposable is that acceptable?*

Mr. Stephens: *"If you cannot determine what type it is, consider it a re-chargeable type. The label would normally make clear the type that it is. For example, rechargeables usually warn to recharge after any discharge."*

QUESTION: *Is REAC stating that disposable fire extinguishers are to be recorded as a Level 3 defect if they fall below the normal charge level?*

Mr. Stephens: *Yes, this part has not changed.*

CALL-FOR-AID

The following bullet will replace the bullet on Page 18 of the Compilation Bulletin:

- Call-for-aid as installed must serve its intended function.

QUESTION: *Who determines the devices intended function?...let me give you several "realistic" scenarios and ask how you would record a particular deficiency or if one would exist at all (in all cases the P/O/A states that that's the intended function)*

SCENARIO ONE: *All units have call for aid (COA) devices with strings that are cut to the same length (12" for example) and dangling (they do not extend to the floor)*

SCENARIO TWO: Some units have COA's with strings that are cut but do not extend to the floor, and some units have strings that are longer and extend to the floor

SCENARIO THREE: Some units have COA's with strings (appropriately hanging) and some units have switches that do not have holes and no capacity for strings.

SCENARIO FOUR: All units have regular type switches (with no holes for strings) functioning as COA's

Mr. Stephens: *“The inspector on-sight will determine if the call for aid serves its intended function. There have been too many different scenarios for the reasonable use of the call-for aid. The inspector should determine using his own professional judgement whether the system will serve its intended function. Inspector Administration will not second guess and take any administrative action for as long as system is not totally inoperable.”*

ELECTRICAL SYSTEM

The following bullets will replace the existing bullets presently listed on Page 15 of the Compilation Bulletin:

- The inspector should record electrical deficiencies for electrical equipment that services more than one specific area of the building (e.g. main electrical panel) within Building Systems. Electrical deficiencies for electrical equipment that services a specific area of the building (e.g. community room, hallway, unit) should be recorded in their respective locations.
- All exterior electrical boxes below the meter base belong to the property.
- The external cover must be secured on any electrical box with an exposed electrical hazard behind the external cover. Inspector must record any H&S issue such as exposed wires observed on any electrical box that is not locked.
- Any electrical box that is designed to have an interior cover but the cover is missing at the time of inspection will be recorded as Electrical/Missing Cover.
- Electrical panels/boxes that are secured at the time of inspection (except for ac disconnects and timer boxes) are to be made accessible to the inspector for inspection. Any electrical panel that is not made accessible will be recorded as Blocked Access.
- Timers and disconnects that are not **secured** must be inspected **provided** that doing so will not interrupt electrical service. Inspector must exercise professional common sense in inspecting these boxes.
- A missing elevator motor room control panel cover must be recorded as a Missing Cover deficiency if the control panel was designed to have a cover. If a cover was not part of the design, do not record a deficiency. Inoperable GFI outlets located on the building exterior are not a deficiency in the UPCS software but shall be recorded as a Building Exterior/H&S/Hazards/Other when observed.

QUESTION/SCENARIO: *You have 10 buildings with 10 units each. Each unit has its own exterior A/C Compressor with a electrical shut off on the outside, they are all the same and are locked.....are*

you now stating that the P/O/A must unlock 100 of them even if they are the same type? or is it acceptable to examine a certain number?

Mr. Stephens: *The notice says that those not secured must be inspected....., therefore if they are secured they do not need to be inspected.*

E-MAIL QUESTION REGARDING EXTERIOR HOSE-BIBS

If you are already not aware of it, exterior hosebibs are part of a building system domestic water supply so if they leak (as many are likely to do) on a REAC inspection the hit is documented under Building Systems – Leaking Central Water Supply and as a Level THREE.

(by comparison, a leaky hosebib would take the same level and points as a busted water main, make sense?) My question focused around individually metered units that clearly have no common building water supply, should not this be recorded as a leaky faucet in a unit? The e-mail response was received from Mr. Nelson Stephens, Inspector Administration, Office of PIH-REAC on May 28, 2003

QUESTION:. There is a building, with leaky hosebibs located on the outside, I know that they are normally recorded under building systems as a defect with the domestic water supply....now let me modify it that same building has 7 units, and 7 hose bibs, one for each unit, the residents pay thier own water so in reality the hose bibs are assigned to the unit.....where would you record a defect with a leaky hose bib in that situation?

Mr. Stephens: *The defect would be recorded under building systems, domestic water supply*