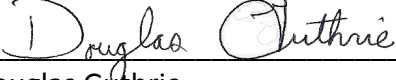


RESOLUTION AUTHORIZING REVISIONS TO THE SECTION 8 ADMINISTRATIVE PLAN SECTION 11.18.2 REGARDING TWENTY-FOUR HOUR CORRECTION OF HOUSING QUALITY STANDARD LIFE-THREATENING CONDITIONS



 Douglas Guthrie
 President & Chief Executive Officer



 Carlos Van Natter
 Director of Section 8

Purpose: To codify the list of life-threatening Housing Quality Standard (HQS) conditions that require correction within twenty-four (24) hours.

Issues: Following a HQS Inspection for housing assisted under the Housing Choice Voucher and Project Based Voucher programs, if the assisted unit fails inspection due to deficiencies that are life threatening, HACLA requires the owner or tenant to correct the deficiency within twenty-four (24) hours.

On October 8, 2020, HUD issued a Federal Register Notice (Docket No. FR-6092-P-01) proposing a definition of life-threatening conditions and rule to codify the list of life-threatening deficiencies. HUD also proposed that the definition of life-threatening deficiencies would be applicable to all housing authorities. In addition, any other condition identified by a housing authority in its Section 8 Administrative Plan as life-threatening, would also be considered a life-threatening deficiency.

On June 17, 2022, HUD issued a Federal Register Notice (Docket No. 6086-N-02) proposing changes to the list of life-threatening conditions and incorporating them into the National Standards for the Physical Inspection of Real Estate (NSPIRE) proposed rule inspection standards in place of codifying the list which HUD proposed on October 8, 2020. HUD has not finalized the list of life-threatening deficiencies in its regulations.

Section 8 participation in the Community Choice Demonstration (the “Demonstration”) program requires HACLA to offer a Renter’s Workshop to participant families. The workshop must cover topics including, but not limited to, what to do when the family has a maintenance issue that includes a life-threatening condition.

To address this requirement from the Demonstration, Section 8 will codify HUD's proposed list of life-threatening conditions in the Administrative Plan. HUD's definition of life-threatening conditions includes:

- (1) Gas (natural or liquid petroleum) leak or fumes
- (2) Electrical hazards that could result in shock or fire
- (3) An inoperable or missing smoke detector
- (4) Interior air quality (inoperable or missing carbon monoxide detector, where required)
- (5) Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting
- (6) Lack of alternative means of exit in case of fire or blocked egress
- (7) Other interior hazards (missing or damaged fire extinguisher, where required)
- (8) Deteriorated paint surfaces in a unit built before 1978 (lead-based paint concern) and to be occupied by a family with a child under 6 years of age
- (9) Any other condition subsequently identified by HUD as life-threatening in a notice published in the Federal Register
- (10) Any other condition identified by HACLA as life-threatening

Once HUD finalizes the list, revisions, if applicable, will also be made to the Section 8 Administrative Plan.

Procurement: Not Applicable.

Vision Plan: **PATHWAYS Strategy No. 7, Identify opportunities to reduce operating and administrative costs so that scarce resources are maximized.**

An on-going review of program operations allows the Section 8 Department to identify and implement available regulatory relief intended to streamline program operations while maintaining required program compliance.

Funding: This approval requires no funds.

Environmental Review: Not Applicable.

Section 3: Not Applicable.

Attachments:

1. Resolution
2. Section 8 Administrative Plan Revisions

RESOLUTION NO. _____

RESOLUTION AUTHORIZING REVISIONS TO THE SECTION 8 ADMINISTRATIVE PLAN SECTION 11.18.2 REGARDING TWENTY-FOUR HOUR CORRECTION OF HOUSING QUALITY STANDARD LIFE-THREATENING CONDITIONS

WHEREAS, if a Section 8 assisted unit fails inspection due to deficiencies that are life threatening, HACLA requires the owner or tenant to correct the deficiency within 24 hours;

WHEREAS, on October 8, 2020, HUD issued a Federal Register Notice (Docket No. FR-6092-P-01) proposing a definition of life-threatening conditions and rule to codify the list of life-threatening deficiencies;

WHEREAS, on June 17, 2022, HUD issued a Federal Register Notice (Docket No. 6086-N-02) proposing changes to the list of life-threatening conditions and incorporating them into the National Standards for the Physical Inspection of Real Estate (NSPIRE) proposed rule inspection standards in place of codifying the list which HUD proposed on October 8, 2020;

WHEREAS, HUD has not finalized the list of life-threatening deficiencies in regulation;

WHEREAS, Section 8 participation in the Community Choice Demonstration (the “Demonstration”) program requires HACLA to offer a Renter’s Workshop to participant families. The workshop must cover topics including, but not limited to, what to do when the family has a maintenance issue that includes a life-threatening condition;

WHEREAS, to address this requirement for the Demonstration, Section 8 will codify HUD’s proposed list of life-threatening conditions in the Administrative Plan. Once HUD finalizes the list, revisions, if applicable, will also be made to the Section 8 Administrative Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approves the attached revision to Section 11.18.2, Twenty-Four Correction, in the Section 8 Administrative Plan, and further authorizes amendment of Section 11.18.2 once HUD finalizes its list of life-threatening conditions, if revisions are required.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

APPROVED AS TO FORM

HOUSING AUTHORITY OF THE
CITY OF LOS ANGELES

By: _____
James Johnson, General Counsel

By: _____
Cielo Castro, Chairperson

DATE ADOPTED: _____

Attachment No. 2: Section 8 Administrative Plan Revisions

Revise Section 11.18.2 Twenty-four Hour Correction to read as follows:

(Strikeout = deleted text. ***Bold italics*** = added text)

11.18.2 Twenty-four Hour Correction

If a deficiency is life threatening, ~~the~~ HACL A requires the owner or tenant to correct the deficiency within 24 hours. If the deficiency is due to the owner, ~~the~~ HACL A may abate housing assistance payments if repairs are not made within 24 hours.

If corrections are not made within 24 hours, an abatement must take effect on the first of the month following the expiration of the 24-hour correction period. If necessary, ~~the~~ HACL A will debit the owner retroactive to this date.

If the deficiency is due to a family participating in the tenant-based programs, ~~the~~ HACL A may take action to terminate assistance due to a violation of the family obligations. [See Section 11.18.8, *Project and Sponsor-based Units -Responsibility of Owner*, below, for owner responsibilities in Project-based and Sponsor-based units.]

HUD's definition of life-threatening conditions includes:

- (1) Gas (natural or liquid petroleum) leak or fumes***
- (2) Electrical hazards that could result in shock or fire***
- (3) An inoperable or missing smoke detector***
- (4) Interior air quality (inoperable or missing carbon monoxide detector, where required)***
- (5) Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting***
- (6) Lack of alternative means of exit in case of fire or blocked egress***
- (7) Other interior hazards (missing or damaged fire extinguisher, where required)***
- (8) Deteriorated paint surfaces in a unit built before 1978 and to be occupied by a family with a child under 6 years of age***
- (9) Any other condition subsequently identified by HUD as life-threatening in a notice published in the Federal Register***
- (10) Any other condition identified by the Housing Authority as life-threatening***

Life-threatening conditions are defined as:

Category	Life-Threatening Conditions
<i>(1) Gas (natural or liquid petroleum) leak or fumes</i>	<ul style="list-style-type: none"> • <i>A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking.</i> • <i>A strong gas odor detected with potential for explosion or fire, or that results in health risk if inhaled.</i>
<i>(2) Electrical hazards that could result in shock or fire</i>	<ul style="list-style-type: none"> • <i>A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed.</i> • <i>A light fixture is hanging by its wires.</i> • <i>A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day to day use of the unit.</i> • <i>A receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed.</i> • <i>A receptacle (outlet) or switch has a missing or damaged cover plate and electrical connections or wires are exposed.</i> • <i>An open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses.</i> • <i>A cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections.</i> • <i>Any nicks, abrasions, or fraying of the insulation that expose conducting wire.</i> • <i>Exposed bare wires or electrical connections.</i> • <i>Any condition that results in openings in electrical panels or electrical control device enclosures.</i> • <i>Water leaking or ponding near any electrical device.</i> • <i>Any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition.</i>
<i>(3) Inoperable or missing smoke detector</i>	<ul style="list-style-type: none"> • <i>The smoke detector is missing.</i> • <i>The smoke detector does not function as it should.</i>
<i>(4) Interior air quality (inoperable or missing carbon monoxide detector)</i>	<ul style="list-style-type: none"> • <i>The carbon monoxide detector (where required) is missing.</i> • <i>The carbon monoxide detector does not function as it should.</i>
<i>(5) Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or</i>	<ul style="list-style-type: none"> • <i>The chimney or venting system on a fuel fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gases.</i>

<p><i>misaligned chimney or venting</i></p>	<ul style="list-style-type: none"> • <i>A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside.</i> • <i>A fuel fired space heater is not properly vented or lacks available combustion air.</i> • <i>A non-vented space heater is present.</i> • <i>Safety devices on a fuel fired space heater are missing or damaged.</i> • <i>The chimney or venting system on a fuel fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged which may cause improper or dangerous venting of gases.</i>
<p><i>(6) Lack of alternative means of exit in case of fire or blocked egress</i></p>	<ul style="list-style-type: none"> • <i>Any of the components that affect the function of the fire escape are missing or damaged.</i> • <i>Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency.</i> • <i>The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency.</i>
<p><i>(7) Other interior hazards (missing or damaged fire extinguisher, where required)</i></p>	<ul style="list-style-type: none"> • <i>A fire extinguisher (where required) that is missing, damaged, discharged, overcharged, or expired. (This applies only if the PHA has adopted an acceptability criteria variation to the HQS to require fire extinguishers.)</i>
<p><i>(8) Lead-Based Paint</i></p>	<ul style="list-style-type: none"> • <i>Deteriorated paint surfaces in a unit built before 1978 and to be occupied by a family with a child under 6 years of age.</i>
<p><i>(9) Any other condition identified by the Housing Authority</i></p>	<ul style="list-style-type: none"> • <i>Missing entry door. Per § 982.401 (d)(2)(iv), the exterior doors of the dwelling unit must be lockable. Exterior doors are doors by which someone can enter or exit the dwelling unit.</i> • <i>Waterlogged/damaged ceilings, wall, or floors in imminent danger of potential collapse. Per § 982.401 (g)(2)(i)-(iii), ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling, missing parts, or other serious damage; the roof must be structurally sound and weathertight; and, the exterior wall structure and surface must not have any serious defects such as serious leaning, buckling, sagging, or large holes.</i> • <i>Presence of a non-working air conditioner or lack of adequate ventilation when the outside temperature has reached above 90 degrees Fahrenheit. Per §</i>

	<p>982.401 (e)(2)(i), there must be a safe system for cooling the dwelling unit. The system must be in proper operating condition. The system must be able to provide adequate cooling, either directly or indirectly, to each room, in order to assure a healthy living environment appropriate to the climate.</p> <ul style="list-style-type: none">• No running hot water. Per § 982.401 (c)(2)(ii), the dwelling unit must have a kitchen sink in proper operating condition, with a sink trap and hot and cold running water. Per § 982.401 (b)(2)(iii), The dwelling unit must have a shower or a tub in proper operating condition with hot and cold running water.• Structural Integrity Condition: a condition exist where the building, or a component of the building, is in imminent danger of potential collapse. Per § 982.401 (g)(1), the dwelling unit must be structurally sound; the structure must not present any threat to the health and safety of the occupants and must protect the occupants from the environment.• Absence of a functioning toilet. Per § 982.401 (b)(1) and (2)(i), the dwelling unit must include sanitary facilities located in the unit. The sanitary facilities must be in proper operating condition, and adequate for personal cleanliness and the disposal of human waste; the bathroom must be located in a separate private room and have a flush toilet in proper operating condition.
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