

Section 8 Housing Quality Standards Inspections



Legal Services of Greater Miami, Inc.

Tenants' Rights Project

WHEN WILL YOUR HOME BE INSPECTED?

Section 8 Housing Quality Standards (HQS) inspectors will inspect the home at least once a year. This is called the annual inspection. The annual inspection usually happens between 30-120 days before the annual recertification meeting.

Section 8 inspectors may also inspect the home at other times during the year if they receive a complaint about the condition of the home. In all cases, Section 8 should give you notice before they inspect the home.

WHAT DO THE INSPECTORS LOOK FOR?

Section 8 inspectors will inspect the home, inside and out, to make sure it is safe and suitable for people to live there. The inspectors may check the rooms, hallways, doorways, bathroom and kitchen fixtures, windows, screens, electrical outlets, smoke detectors, and other parts of the home to make sure they are in good repair. These are called the Housing Quality Standards (HQS).

WHO IS RESPONSIBLE FOR THE CONDITION OF YOUR HOME?

The tenant is responsible for any damages beyond the ordinary wear and tear caused by the tenant, family members and guests. The inspectors will write a report listing any problems that must be repaired. Typically, problem marked with a "T" must be fixed by the tenant. Problems marked with an "L" must be fixed by the landlord.

WHAT IF THE TENANT OR THE LANDLORD CANNOT MAKE THE REPAIRS ON TIME?

Section 8 may give the tenant or the landlord extra time to make repairs in special circumstances. If the tenant needs more time to make repairs, send the Section 8 office a written request asking for more time, explaining why more time is needed and don't forget to keep a copy of the written request for your records.

WHAT YOU SHOULD DO IF YOU THINK THE INSPECTORS WERE WRONG

Contact the housing authority's inspection office, after receiving the inspection report, if you think the inspectors were wrong. The inspector may have been wrong about a condition needing repair, or wrong about who must fix the problem. Explain why you think the inspector is wrong. Send any papers or other proof that you have to support your position. Make a copy of everything you send to the inspection office. The supervisors at the inspection office will review your case. If the supervisor agrees with you, the inspector will write a new report.

Each housing authority has its own deadlines to object to an HQS inspection report. Some deadlines are as short as 7 days. If you object to the report, you should give the housing authority the written objection as soon as possible.

WHAT HAPPENS IF THE LANDLORD DOES NOT MAKE REPAIRS AND THE UNIT FAILS THE SECOND INSPECTION?

If the landlord does not fix the items listed on the report within 30 days, Section 8 will stop paying its part of the rent. This is called abatement of the Housing Assistance Payment (HAP). Section 8 may start to pay the rent again if a follow-up inspection finds that the landlord made the repairs. However, Section 8 will usually only pay the rent going forward after the landlord makes the repairs. It will usually not pay the rent while the violations existed. .

A landlord cannot ask a tenant to pay Section 8's part of the rent if the inspection failed the HQS inspection. Even though this is the law, the landlord may still try to force a tenant to pay the full rent, and threaten to evict the tenant. If the tenant did not cause any of the problems in the inspection report, the tenant should NEVER pay Section 8's part of the rent. The landlord has a contract with Section 8, and promised to keep the home in good repair. If the Landlord tries to make you pay or evict you, then you should immediately contact Legal Services for advice.

If the property failed the second inspection and you do not think the landlord will make repairs, you may want to contact Section 8 and request a Change of Dwelling to move to a new unit.

WHAT HAPPENS IF YOUR UNIT FAILS INSPECTION AFTER THE 30-DAY PERIOD FOR TENANT VIOLATIONS?

If the violations in the inspection report are the tenant's responsibility, and the tenant does not fix them within 30 days, Section 8 may try to terminate the tenant from the Section 8 program. This is why it is very important that the tenant fix any problems marked with a "T" during the 30 day period following the first inspection.

If the tenant does not fix the problems and the unit fails the second inspection, the tenant should still fix the problems as soon as possible. Immediately after the problems are fixed, the tenant should contact the Section 8 inspection office, and ask for another inspection. If the Section 8 office has already started the termination process, the tenant should ask for a hearing. Do this in writing and keep a copy. At the hearing, the tenant should give proof that the problem was fixed. If the tenant asks for a hearing, Section 8 should continue to pay its part of the rent until the hearing decision.

If a tenant's Section 8 voucher is terminated, the tenant must pay the Landlord all of the rent to stay in the apartment. If the tenant does not pay all of the rent, the landlord may evict the tenant for nonpayment of rent. A Section 8 tenant who is facing eviction should immediately contact Legal Services of Greater Miami, Inc. The tenant should also refer to Legal Services' brochure, "How to File an Answer to Your Eviction" for more information about the eviction process.