

# National Center for HEALTHY HOUSING

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## Comments

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 982

[Docket No. FR-5928-N-01]

Notice of Demonstration to Test Proposed New Method of Assessing the Physical Conditions of Voucher-Assisted Housing

<https://www.gpo.gov/fdsys/pkg/FR-2016-05-04/html/2016-10460.htm>

Thank you for the opportunity to provide comments on the *Notice of Demonstration to Test Proposed New Method of Assessing the Physical Conditions of Voucher-Assisted Housing*. In general, we think the development of UPCS-V an important step forward in aligning HUD inspection protocols into a uniform one that protects both public health and the investment made by taxpayers for federally assisted properties. Below are some specific deficiencies in the draft UPCS-V Dictionary of Definitions when compared to the National Healthy Housing Standard. This standard was released in 2014 at a conference with former HUD Secretaries Shaun Donovan and Henry Cisneros. As HUD works to create its inspection protocol for housing choice voucher units, we are hopeful that it will incorporate as many of the elements in the National Healthy Housing Standard as possible in order to ensure that units which HUD subsidizes are “safe, decent and sanitary.”

In particular, we would like to highlight what we believe is a key deficiency in the draft documents you have posted at the HUD UPCS-V webpage regarding lead-based paint. Specifically, the draft UPCS-V Dictionary of Definitions at

[http://portal.hud.gov/hudportal/documents/huddoc?id=dictionary\\_definitions.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=dictionary_definitions.pdf) does not require the standard HUD/EPA lead-based paint risk assessment protocol. Instead, on p. 216, the draft document persists in the use of only a visual assessment for deteriorated paint. This ignores the main pathway of exposure for most children today, which is contaminated house and soil dust lead and the deteriorated lead-based paint from which it comes. Of course, lead is not visible to the naked eye and identifying only deteriorated paint without determining if it is really lead paint will be insufficient. Lead-contaminated paint, dust and soil are all pathways that must be quantified if the housing unit is to be determined to be safe for young children to occupy. Such a lead-based paint risk assessment protocol has already been used extensively (and required) in HUD’s public housing, project-based section 8, and certain other HUD programs under 24 CFR Part 35 for more than a decade. In short, it makes little sense to require lead-based paint risk assessments in other HUD programs, but to not require them in the housing choice voucher program inspection protocol. Visual assessments alone will simply not work. We recommend that REAC replace the visual assessment for paint with the validated lead paint risk assessment procedure.

In its request for comments, HUD stated, “In the evaluation of the Demonstration, HUD will assess such

factors as whether the use of the new UPCS-V protocol produces (1) more consistent and accurate results, (2) data standardization and a reliable method for information exchange, and (3) increased oversight and administration of the HCV Program.” We encourage HUD to also consider not only consistency, accuracy, standardization, reliability, and oversight but also the degree to which the inspection results from the demonstration will inform public health interventions, such as (but not limited to) lead hazard control, asthma trigger reduction, and injury prevention. This public health criterion should be included in HUD’s evaluation.

Other key inspection elements that are either not currently in the draft UPCS-V Dictionary of Definitions or could be improved are the following:

1. Water heaters should be isolated from habitable rooms.
2. Maximum water temperature at faucets should not exceed 120° F to prevent scalds.
3. Exhaust ventilation for kitchen gas stove should be present and exhaust to exterior.
4. Kitchen and bathroom floors must be sealed, water-resistant, nonabsorbent, and cleanable.
5. Bathrooms must have exhaust ventilation (not just presence of an operable window).
6. There should be provisions for privacy and adequate space.
7. Access to a habitable room must be other than through a bathroom.
8. Minimum floor area of 70 square feet.
9. Below-grade habitable rooms should be waterproof and free of excess dampness/mold.
10. There must be two means of emergency escape or rescue (the current wording on this is unclear).
11. There must be openable bedroom window for emergency escape below the fourth floor (the current wording on this is unclear).
12. Smoke alarms and CO alarms must have either battery backup for hard-wired systems or long-lasting batteries if not hard-wired.
13. Fire extinguisher must be present in kitchen and in each common area (one per floor) (if present).
14. Exterior stairs must be nonskid surfaces.
15. Fall prevention devices must be present on windows where 72" above exterior grade and 36" interior floor.
16. Storage space for medicine and household chemicals must not be readily accessible to children.
17. Flammable and combustible liquids must be stored away from habitable spaces and ventilation system.
18. There must be anti-entrapment devices on suction outlets for pools.
19. Electrical wiring provided by landlord must all be permanent, not temporary (e.g., extension cords are not acceptable as permanent wiring).
20. Interior and exterior lighting must be adequate and operable.
21. Heating system must be capable of maintaining 68° F.
22. Unvented gas or kerosene heaters are not permitted.
23. Rigid or semi-rigid metal duct for clothes dryer exhaust.
24. Supply air for forced-air systems must be from other than basement.

25. Exhaust air from bathroom, kitchen, clothes dryer, or basement must be vented outside with pest screens.
26. Openings to attached garage and door to garage with automatic closing mechanism and gaskets must be sealed to prevent entry of combustion gases into living area.
27. Building materials must not be discolored or deteriorated by mold or mildew.
28. Crawl spaces must be free of high-moisture conditions or sealed from dwelling areas where the space is not sealed and insulated from outdoors.
29. Integrated pest management does not appear to be explicitly required.
30. Radon should be tested, and levels above 4 pCi/L should be mitigated.

Items currently in the draft dictionary:

1. For peeling paint, a violation is 4 square feet, but this is inconsistent with the HUD lead safe housing rule, which currently has a *de minimis* paint deterioration area of 2 square feet. Two square feet and above should be a deficiency. This appears in several places.
2. The current draft appears to pass a carpet or other floor surface with 50% deterioration. This is too high and should be less than 20%.
3. A boiler with steam escaping or coolant or water leaking should not pass.
4. Kitchen cabinets and countertops should not pass if “More than 50% of the cabinets, doors, or shelves are missing or the laminate is separating. There is still space for the storage of food.”
5. A mold failure seems to be defined as “Evidence of an active growth.” There is no way to determine if mold growth is “active” or not, so the word “active” should be deleted.
6. The list of Life Threatening or Emergency (LTE) detected during the inspection should be provided to BOTH the occupant and the owner, not only one or the other.

Thank you again for the opportunity to comment. To follow up on these comments, please email [jkruse@nchh.org](mailto:jkruse@nchh.org) or call 202.280.1982.

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