



HUD

Office of Community Planning and Development
Los Angeles Field Office

Information Bulletin

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MEMORANDUM FOR: CDEG and SHP Grantees and HOME Participating Jurisdictions (PJ)

FROM: Robert G. Illumin, Deputy Director, Office of Community Planning and Development

SUBJECT: URA Replacement Housing Inspections/Definition of Decent, Safe and Sanitary

We have recently learned that some grantees under our jurisdiction are not complying with the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (URA) with respect to inspecting replacement housing. Please review this bulletin and take all appropriate actions to ensure that housing units used to relocate tenants comply with local housing and occupancy code requirements in compliance with the URA.

URA Inspection Requirements

Before a person, displaced by a HUD project, moves into a replacement unit 49 CFR 24.403(b) and HUD Handbook Chapter 3, Paragraph 3-7(A) requires that the unit be inspected to ensure that it meets the definition of Decent, Safe and Sanitary (DSS). 49 CFR 24.2(a) (8) defines decent, safe and sanitary dwelling as a dwelling unit which “**meets local housing and occupancy codes**”. Also, “any of the following standards **which are not met by the local code** shall apply unless waived for good cause by the Federal Agency funding the project”. Specifically, housing shall:

- (i) Be structurally sound, weather tight, and in good repair;
- (ii) Contain a safe electrical wiring system adequate for lighting and other devices;
- (iii) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;
- (iv) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the displacing Agency. In addition, the displacing Agency shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, the policies of such Agencies;

(v) Contain a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, is properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;

(vi) Contain unobstructed egress to safe, open space at ground level; and

(vii) For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person. (See Appendix A in 49 CFR 24.2(a) (8) (vii).)

HUD Housing Quality Standards

HUD Handbook 1378, Chapter 1 Paragraph 1-7(H) states that “a dwelling occupied in connection with a rental assistance program that is subject to HUD Housing Quality Standards (HQS) (24 CFR 982.401), shall be deemed to be in compliance with the URA Decent Safe and Sanitary standards if it meets the applicable HQS.” This criterion is used when inspecting Section 8 housing. Using HQS standards for non Section 8 housing is may also be used. If you have any questions call the Los Angeles Field Office.

Current Practice versus Future Compliance

Some Grantees and PJ’s in the Los Angeles jurisdiction are documenting URA inspections with a form designed by a relocation consultant or staff that addresses only the items listed at 49 CFR 24.2(a)(8) (i-vii). This practice is not in compliance with the URA and will result in a finding and possibly other sanctions. All URA replacement housing must now be documented as meeting local “housing and occupancy codes”. The URA list of items may only be used as the sole inspection criteria when there are no local codes. If your jurisdiction has housing codes, they must be used as the criteria for inspecting replacement housing. If your local jurisdiction does not have its own housing and occupancy codes, state codes will apply. Persons displaced as a result of HUD funding subject to the URA must be moved into housing that meets the same local housing code, as other rental housing in the jurisdiction.

To ensure compliance with 49 CFR 24.403(b) and 24.2(a) (8) we advise you to:

1. Determine what local codes apply in your jurisdiction. It may be a combination of codes--- state codes, county codes, city codes. Occupancy and habitability are the areas that need to be addressed. These codes may be less comprehensive than new housing construction but should include the entire building and grounds as well as the unit to be inhabited. Coordinate as necessary with any local code enforcement or other housing inspectors. Also, consider whether the codes to be used for relocation and replacement are the same codes that are used in the HOME program. If there are no City housing codes then use state or county codes.

2. Modify any existing housing inspection check lists or design a new check list that includes all local housing codes and all URA items.

3. Develop procedures for the inspection and place it in your Acquisition and Relocation Manual:

- a. Include a copy of the form to be used to document the inspection.
- b. Include a copy of the housing code being used or an electronic link to it.
- c. Explain who will carry out the inspection (i.e., consultant, staff, contract inspector) and how the jurisdiction will assure the inspectors are qualified. It is the grantees or participating jurisdiction's responsibility to determine what local codes apply and who will conduct the inspection. If a third party conducts the inspection, adequate training must be provided to ensure that local codes are properly applied. Agency staff should concur on all third party inspections.
- d. Explain when the inspection will take place. Be sure the unit is inspected before the replacement housing payment is made and before the person moves in.
- e. Explain how inspections will be completed for housing outside the grantee's jurisdiction (i.e., adjoining City or County or out of state). Explain what code will be used, who will do the inspection and oversight.
- f. If the inspections requires the participation of other departments, develop any necessary interdepartmental agreements and/ or coordinate on training and inspection criteria.
- g. Describe the process that will be followed for correcting violations or selecting another unit that meets the local code criteria.
- h. Describe the process to be used for notifying tenants whether there are any code violations and how to correct them. To resolve minor code violations, we suggest working with the landlord. If the landlord does not want to make the correction, selecting another unit may be the best option. Obtaining the signature of the displaced person on the inspection form may be a good way to ensure that no code items are missed in the inspection and there is no tenant complaints later. If the replacement unit is prematurely occupied before the inspection and the unit does not meet DSS give the tenant at least 30 days to have the violation corrected before denying benefits. If necessary assist the tenant getting landlord cooperation in correcting the violation. Place all copies of correspondence about the inspection in the file. The file should show that the grantee or PJ offered the tenant all assistance necessary to find an acceptable replacement unit (i.e. one that meets the applicable coed).

4. Inspections are considered a relocation cost and may be charged to the HUD program as a project cost. For SHP grantees relocation is an eligible project cost.

If you have any questions about this bulletin or wish to discuss how this policy can be implemented in your jurisdiction please contact Ms. Jana Bickel, HUD Relocation Specialist at 213-534-2581 or at Jana.Bickel@hud.gov.