Technical Reviews and Database Adjustments Guideline

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Technical Reviews and Database Adjustments

Multifamily property owners/agents (POAs) and Public Housing Agencies (PHAs) have the option to appeal a physical inspection score for reasons such as a belief that the inspection was not conducted in accordance with the Uniform Physical Condition Standards (UPCS) inspection protocol, that certain inspection data may have been recorded in error, or deficiencies are related to extraordinary events such as a natural disaster, that, if corrected/adjusted, will result in an improvement in the property's overall score. There are two different processes available to appeal a physical inspection score: technical reviews and database adjustments.

What is a Technical Review (TR)?
A technical review may be requested if, during the physical inspection, an objectively verifiable and material error(s) occurred that, if corrected, would result in an improvement in the property's overall score. Material errors are those that exhibit specific characteristics and meet specific thresholds. The three types of material errors are:

- **Building Data Errors -** The inspection includes the wrong building or a building that is not owned by the property.
- **Unit Count Errors -** The total number of units considered in scoring is incorrect as reported at the time of the inspection.
- **Non-Existent Deficiency Errors -** The inspection cites a deficiency that did not exist at the time of the inspection.

What Does NOT Qualify for a Technical Review?
PIH-REAC will not consider the following for a technical review:

- disagreements over the severity of a defect, such as deficiencies rated Level 3 that the POA/PHA believe should be rated Level 1 or 2;
- deficiencies that were repaired or corrected during or after the inspection;
- deficiencies recorded with no associated point loss (for example, inoperable smoke detectors) or deficiencies for survey purposes only (for example, FHEO) ; or
- deficiencies caused by residents.

What are the Steps for Submitting a Technical Review?
A POA/PHA can initiate the technical review process by notifying PIH-REAC in writing within the appropriate time-period and supplying objective and verifiable documentation

that a deficiency was recorded in error. Examples of objective and verifiable documentation are dated pictures or video, signed and dated written material from an objective source such as a local fire marshal or building code official, or similar evidence. Written documentation, other than from the fire marshal or local code official, must be from a licensed professional whose expertise corresponds to the appealed inspectable item. This written documentation must be signed by the licensed expert and include his/her license number. For example, if a property was noted for an exposed wire, the deficiency must be inspected and verified/certified by a licensed electrician that there

are no exposed wire or the wires exposed do not carry live electricity; a fire sprinkler defect must be inspected and verified/certified for non-deficiency by a fire suppression company or a foundation crack non - deficiency must be verified by an engineer whose discipline corresponds with the noted deficiency.

As of October 31, 2007, appeals signed by the owner, his/her management agent and /or lawyers retained by the owners are the only acceptable appeals that will be processed. REAC is not required to review a request for appeal after the specified number of days has expired so it is important to note the time-period available for appeal.

Public Housing: PHAs must submit a request for a technical review and must be received at REAC **within 30 days** from the physical inspection report release date. This change is effective for inspections released on or after March 25, 2011.The request must include an email address of the request originator.

Multifamily: POAs must submit a request for a technical review and must be received at REAC **within 30 days** from the physical inspection report release date. The request must include an email address of the request originator.

The information and proper documentation for a technical review must be mailed to the following address:

U.S Housing and Urban Development/PIH/REAC
Attn: Technical Assistance Center/ TR/DBA
550 12th Street S.W.
Suite 100
Washington, DC 20410

What Can Be Expected in Response to a request for a Technical Review?
If the PIH-REAC evaluation determines that an objectively verifiable and material error(s) has been reasonably documented by the POA/PHA and, if corrected, would result in a significant improvement in the property's overall score, the PIH-REAC will take one or a combination of the following actions:

- Schedule a new inspection;
- Correct the physical inspection report;
- Issue a corrected physical condition score; or

- Issue a corrected Public Housing Assessment System (PHAS) score.

An email will be sent to the originator of the request (a copy will be sent to the Primary Contact listed in the inspection report) explaining what action, if any, has occurred and why the technical review is accepted or denied. A technical review that changes a physical inspection score may change the PHAS score. The PHAS score is not considered final until all changes have been completed.

What is a Database Adjustment (DBA)?
A request for database adjustment initiates a review of the results of a physical inspection. A database adjustment may be requested for circumstances affecting the inspected property that are out of the ordinary, reflect an inconsistency with ownership, or are allowed by city/county/state codes. Circumstances that may be addressed by a database adjustment are as follows:

- **Local Conditions and Exceptions -** Circumstances include inconsistencies between local code requirements and the UPCS inspection protocol, such as conditions permitted by local variance or license (e.g., child guards allowed on sleeping room windows by local building codes) or preexisting physical features that do not conform to or are inconsistent with PIH-REAC's physical condition protocol.
- **Ownership Issues -** Items that were captured and scored during the inspection that are not owned or the responsibility of the PHA/POA. Examples include sidewalks, roads, fences, retaining walls, and mailboxes owned and maintained by adjoining properties or the city/county/state and resident-owned appliances that are not maintained by the PHA/POA. The PHA/POA must have notified the owner or proper authorities regarding the deficient item and any appliances provided to the tenant must be noted in the lease agreement.
- **Adverse Conditions Beyond the Owner's Control -** Deficiencies negatively affecting the score were caused by circumstances beyond the PHA's/POA's control such as damage from a natural disaster or a third party private or public entity working near a property. The responsibility to correct such conditions still belongs to the POA/PHA.
- **Modernization Work In Progress –** Property/projects undergoing extensive modernization work in progress, underway at the time of the physical inspection, may qualify for a database adjustment. Routine and/or remedial maintenance before or during the inspection are not appealable. All elements of the unit that are not undergoing modernization at the time of the inspection (even if modernization is planned) will be subject to PIH-REAC's physical inspection protocol without adjustment.

What Does NOT Qualify for a Database Adjustment?
PIH-REAC will not accept any database adjustment requests without appropriate documentation. Deficiencies noted during the inspection that were corrected during or after the inspection do not qualify for a database adjustment. Database adjustments do not apply to circumstances addressed in the technical review process. Requests for

technical reviews must be submitted separately from requests for database adjustments.

What are the Steps for Submitting a Database Adjustment?
A POA/PHA can initiate the database adjustment process by notifying the correct office in writing within the appropriate time-period and submitting proper documentation (i.e., signed letter from local/ building/ fire code official for code variance; etc) to support the appeal. All requests for database adjustments can be made either prior to or after the physical inspection

Public Housing: PHAs must send a request for a database adjustment and must be received **within 45 days** from the physical inspection report release date to the local PIH **field office**. The local PIH field office will then review the database adjustment request and forward their recommendation to PIH/REAC. This change is effective for inspections released on or after March 25, 2011. . The request must include an email address of the request originator.

Multifamily Housing: POAs must send a request for a database adjustment and must be received **within 45 days** from the physical inspection report release date to the following address. The request must include an email address of the request originator.

U.S Housing and Urban Development/PIH/REAC
Attn: Technical Assistance Center/ TR/DBA
550 12th Street S.W.
Suite 100
Washington, DC 20410

What Can Be Expected in Response to a request for Database Adjustment?
If the PIH-REAC evaluation determines that the request is justified and, if corrected, would result in a significant improvement in the property's overall score, the PIH-REAC will take one or a combination of the following actions:

- Schedule a new inspection;
- Correct the physical inspection report;
- Issue a corrected physical condition score; or
- Issue a corrected Public Housing Assessment System (PHAS) score.

An email will be sent to the originator of the request (a copy will be sent to the Primary Contact listed in the inspection report) explaining what action, if any, has occurred and why the database adjustment request is accepted or denied. A database adjustment request that changes a physical inspection score may change the PHAS score. The PHAS score is not considered final until all changes have been completed.

Examples of Appealed Items and Appropriate Documentation

Shown below are examples of appealed items and supporting documentation that is and is not acceptable:

Examples of observed deficiency	Objective and Verifiable Documentation	Documentation not considered objective and/or verifiable*
(TR) Building Exterior -Foundations Cracks/Gaps	A signed letter from a licensed professional structural engineer with his/her seal stating that the deficiency does not exist.	Letter from the PHA or the MF Owner/Agent saying the wall is sound and safe. Letter from a general contractor/individual who is not licensed to give such opinion
(TR) Site Grounds - Overgrown, Penetrating Vegetation	A dated picture or video showing the whole site that overgrown vegetation does not exists immediately prior to or on the inspection date	A video or picture without a date/time stamp. A letter from the PHA/Property Owner/Agent saying the vegetation is not overgrown. A time stamped video or picture showing vegetation touching the building or growing over a walkway, etc. - the inspector's judgment will prevail.
(TR) Any inspectable area – Infestation/Presence of Roaches	NA	A pest control contract will not suffice to approve a TR. The inspector's judgment will prevail.
(TR) Site - Graffiti	A picture/video of the permanent art with a copy of the executed contract between the PHA/POA and the artist with a date prior to the inspection or a newspaper article showing the artwork/mural done as a community project. A picture of temporary chalking such as hopscotch marks dated on or within very few days after the inspection clearly identifying the area with the noted deficiency.	A letter from the PHA/POA that says it allows children to mark on the walls. Although a TR can be approved for chalk hopscotch marks on a driveway/walkway; crayon and other permanent markings on a wall, building surface, or fence cannot be approved unless they are part of a permanent piece of artwork/art mural.
(TR) Common Area or Dwelling Unit Doors - Deteriorated/Missing Seals (Entry Only)	A manufacturer's guide that states seals/weather stripping was never installed and a picture which clearly identifies the inspected door that matches the manufacturer's guide.	A letter from the PHA/Property Owner/Agent saying there were no seals on the door when it was purchased.

(TR) Building Systems - Leaking Central Water Supply (Domestic Water)	Signed letter from a licensed professional mechanical engineer with his/her seal stating that the deficiency does not exist.	A letter from the PHA/POA saying the leaking water was a result of condensation rather than a true leak.
(TR) Building Systems - Missing Sprinkler (Sprinkler components painted over)	An inspection report from a fire sprinkler company or local code official, dated on or immediately after the inspection, that clearly states the specific painted components (frame, thermal linkage, cap, deflector, or escutcheon) do not affect the effectiveness of the fire suppression system.	A letter from the PHA/POA saying they called the sprinkler company and the vendor said it was okay to paint the components.
(DBA) Site - Tripping Hazard (Sidewalk-ownership)	An executed agreement, dated prior to the date of the inspection and with appropriate contact information, between the city and the property owner stating the city owns and is responsible for the sidewalks or a letter from the city claiming ownership. Additionally, there must be a letter from the PHA/POA dated prior to the inspection reflecting a request for the sidewalk to be repaired or a letter from the city with information regarding repair of the sidewalk with appropriate contact information.	Letter from the PHA or the MF POA saying the city owns the sidewalks.
(DBA) Common Area Office - All inspectable items (undergoing modernization)	An executed contract with start and completion dates and scope of work and location of the work to be done. The contract must be dated prior to the date of the inspection and have appropriate contact information.	Letter from the PHA Mod Coordinator or the MF Owner saying the office is undergoing modernization.

(DBA) Dwelling Unit Emergency Fire Exits - Blocked/Unusable (Air Conditioner/Bars in the window)	A letter from the local Fire Marshall stating that window air conditioners/bars in the window are allowed under the local fire code or that he/she or his/her designee inspected the area in question and the cited deficiency does not pose any threat. Letter should include the reasoning for this decision such as the air conditioner is not bolted in and could be easily pushed through the window to provide emergency egress or the unit has a sprinkler system.	A letter from the PHA/Property Owner/Agent saying the local fire code allows window air conditioners. A letter from the PHA/POA or tenant saying the tenant requires the air conditioner.
(DBA) Site - Damaged/Leaning fence (ownership)	A signed letter from an owner/company with a contact number validating ownership of the fence or an approved building permit/plan reflecting current ownership.	Letter from the PHA or the MF Owner/Agent saying another person/company owns the fence. A photograph of the fence.
(DBA) Dwelling Unit – Damaged Hardware/Locks/ Missing Door (database adjustment)	A letter from the tenant's doctor stating the mechanical door closer required adjustment to slow the closing of the door, the door needed to be adjusted or removed, the lock needed to be removed, etc., to accommodate the tenant's medical necessity/disability. Letters must be on appropriate letterhead and have contact information. The appeal should also include the work order documenting the request for adjustment/removal of the door/door hardware, dated prior to the inspection.	A letter from the PHA/POA or tenant saying the elderly/disabled tenant needed the adjustment of door hardware or the door/door hardware removed.

* Statements signed by residents or other personnel associated with the property are not considered objective third party sources

Example of a technical review request

Deficiency: BE - Roofs - Ponding**

Documentation not considered objective and/or verifiable: Statement from the POA/PHA that it rained the day before the inspection

Documentation considered objective and/or verifiable: Picture showing the roof is flat and weather report showing measurable precipitation (1/10 inch or more) during the previous 48 hours

Example of a database adjustment request

Adverse Conditions Beyond the Owner's Control

Deficiency: Missing Pieces/Holes/Spalling (Walls)

Documentation not considered objective and/or verifiable: Statement from the POA/PHA that a car ran through the wall 2 days before the inspection
Documentation considered objective and/or verifiable: Picture(s) and a police report

Pre-database adjustment

When an appeal with corresponding proper documentation wherein the deficiency captured conforms to the local code or pertains to ownership matters, the property ID is added to our “pre-database” list.

This means when the subsequent inspection noted deficiency that received points was granted on a previous appeal, that specific deficiency will be deleted prior to release of the new inspection report

View the Applicable Federal Register Notices/Regulations

PIH-REAC has provided the database adjustment guidelines in the Federal Register notices for **24 CFR Part 200.857** and **24 CFR Part 902.24**. PIH-REAC has provided technical review guidelines in the Federal Register at **24 CFR Part 200.857** and **24 CFR Part 902.68**.