

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, FH&EO deficiencies for survey purposes only or inoperable Smoke Detectors); 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 evidence that a deficiency was recorded in error. 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.

PHAs must submit a request for a technical review and must be received **within 15 days** at REAC following receipt by the PHA of the physical inspection report from PIH-REAC

POAs must submit a request for a technical review and must be received at REAC **within 30 days** following receipt by the POA of the physical inspection report from PIH-REAC. The information and documentation for a technical review must be mailed to the following address:

Attn: PASS Technical Reviews
HUD/PIH/REAC
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.

A notification letter will be sent to the POA/PHA 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 resident-owned appliances must be noted in the lease.

- **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 modernization work in progress, underway at the time of the physical inspection, may qualify for a database adjustment. 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?

PHAs must send a request for a database adjustment and must be received at the **field office within 15 days** following receipt by the PHA of the physical inspection report from PIH-REAC.

Multifamily Housing POAs must send a request for a database adjustment and must be received at REAC **within 45 days** following receipt by the POA of the physical inspection report from PIH-REAC to the following address:

Attn: PASS Database Adjustments
HUD/PIH/REAC
550 12th Street S.W.
Suite 100
Washington, DC 20410

What Can Be Expected in Response to a request for Database Adjustment?

After review and approval of the submission of appropriate proof of the anomalous or inappropriate application by the applicable PIH field office and/or PIH-REAC, it is determined if a re-inspection and/or re-scoring of the property will result. A notification letter will be sent to the POA/PHA explaining what action is being taken, if any, and why the database adjustment is accepted or denied.

A database adjustment that changes a physical inspection score may change the Public Housing Assessment System (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* |
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| (TR) Building Exterior -Foundations Cracks/Gaps | Letter from a licensed professional engineer/architect that the wall is sound and safe. The letter would need to have the engineer/architect’s seal and a current phone number. | Letter from the PHA or the MF Owner/Agent saying the wall is sound and safe. |
| (TR) Site Grounds - Overgrown, Penetrating Vegetation | A picture or video with date and time stamp showing the site immediately prior to or on the inspection date showing vegetation that clearly does not touch the building or grow over any part of the sidewalk, through a fence, etc. | 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. A video or picture that does not clearly identify the inspected area. |
| (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/Common Areas - 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. |

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| <p>(TR) Common Area or Dwelling Unit Doors - Deteriorated/Missing Seals (Entry Only)</p> | <p>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.</p> | <p>A letter from the PHA/Property Owner/Agent saying there were no seals on the door when it was purchased.</p> |
| <p>(TR) Building Systems - Leaking Central Water Supply (Domestic Water)</p> | <p>An inspection report from a licensed plumbing/HVAC company stating the water leak was a result of condensation rather than a leaking water supply. The letter must clearly identify the area noted in the deficiency and contain photographic evidence.</p> | <p>A letter from the PHA/POA saying the leaking water was a result of condensation rather than a true leak.</p> |
| <p>(TR) Building Systems - Missing Sprinkler (Sprinkler components painted over)</p> | <p>An inspection report, dated on or after the inspection with accompanying photographic evidence, from the Sprinkler Company that clearly states the specific painted components (frame, thermal linkage, cap, deflector, or escutcheon) do not affect the effectiveness of the fire suppression system.</p> | <p>A letter from the PHA/POA saying they called the Sprinkler Company and the vendor said it was OK to paint the components.</p> |
| <p>(DBA) Site - Tripping Hazard (Sidewalk)</p> | <p>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.</p> | <p>Letter from the PHA or the MF POA saying the city owns the sidewalks.</p> |
| <p>(DBA) Common Area Office - All inspectable items (undergoing modernization)</p> | <p>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</p> | <p>Letter from the PHA Mod Coordinator or the MF Owner saying the office is undergoing modernization.</p> |

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| | inspection and have appropriate contact information. | |
| (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 | A signed letter from an owner/company with a contact number validating ownership of the fence or an approved building permit 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 | A letter from the tenant's doctor stating the mechanical door closer required adjustment to slow 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

Physical Inspection Rescoring Resulting from an Approved TR or DBA

- The REAC's secure system recalculates the physical inspection property score when a technical review or database adjustment is approved. The system adds points back using the original calculations. It can be difficult for a PHA/POA to calculate the number of points that will be added back due to rounding in the system and/or the business rules used by the secure system. Even when an appeal is successful, the overall score may not change or may change less than the total points appealed. Following are three scenarios where sample appeals were approved.

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 902.25](#)(c). PIH-REAC has provided technical review guidelines in the Federal Register at [24 CFR Part 200.857](#) and [24 CFR Part 902.68](#).