



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:
Public Housing Agencies (PHAs),
Public Housing Hub Office Directors,
Public Housing Program Center Directors,
Regional Directors,
Field Office Directors; and
Resident Management Corporations.

Notice PIH 2018-19

Issued: November 2, 2018
This notice remains in effect until amended,
superseded or rescinded.

**SUBJECT: Housing Opportunity through Modernization Act of 2016 (HOTMA) –
Implementation of Minimum Heating Standards in Public Housing Properties**

1. PURPOSE

This purpose of this notice is to provide implementation guidance related to the minimum heating requirements within public housing dwelling units as required by Section 111 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA).

2. BACKGROUND

On July 29, 2016, HOTMA was signed into law (Public Law 114–201, 130 Stat. 782). HOTMA made numerous changes to statutes that govern HUD programs, including Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (1937 Act). Section 9 of the 1937 Act was amended to add Subsection (o), Public Housing Heating Guidelines, which states, “The Secretary shall publish model guidelines for minimum heating requirements for public housing dwelling units operated by public housing agencies receiving assistance under this section.”

3. APPLICABILITY

This Notice applies to all PHAs administering the Public Housing program, including Moving to Work agencies.

4. UTILIZATION OF EXISTING STANDARDS

PHAs in states, territories, or localities with existing minimum heating standards shall utilize their respective local standards for public housing dwelling units. In instances where no such

guidelines exist, HUD has established minimum heating requirements for public housing dwelling units.

5. HUD MINIMUM HEATING STANDARDS

For a PHA where state or local minimum heating standards do not exist, the PHA shall use the following minimum heating requirements for public housing dwelling units in order to comply with Section 111 of HOTMA¹:

- ***Minimum Temperature:***
 - If PHA-controlled, the minimum temperature in each unit must be at least 68 degrees Fahrenheit.
 - If tenant-controlled, then the heating equipment must have the capability of heating to at least 68 degrees Fahrenheit.
- ***Minimum Temperature Capability:***
 - PHAs are allowed flexibility in maintenance of the indoor temperature when the outdoor temperature approaches the design day temperature.² At no point should indoor temperatures in occupied space drop below 55 degrees Fahrenheit. This flexibility applies when at least one of the below criteria are met:
 - The outside temperature reaches or drops below the design day temperature, or
 - The outside temperature is within five degrees Fahrenheit of the design day temperature for more than two continuous days.
- ***Measurement:***
 - Temperature measurements must be taken three feet above the floor and two feet from an exterior wall in a habitable room.

6. FURTHER INFORMATION

For additional information or questions regarding this notice, please contact the local Public Housing Field Office Director or the Public Housing Management and Occupancy Division's policy mailbox at PublicHousingPolicyQuestions@hud.gov. Any persons with hearing or speech impairments may access this contact by calling the Federal Information Relay Service at 800-877-8339.

¹ PHAs must update their Admissions and Continued Occupancy Policy to include residential minimum heating standards. If the inclusion of heating policies constitutes a significant amendment in accordance with the PHA's definition, then the PHA Plan must be amended.

² Design-day temperature refers to the lowest expected outdoor temperature that a heating system was designed to accommodate and still maintain the desired indoor temperature. This should translate, depending on local building code, to an outdoor temperature in the 1st to 5th percentiles of low outdoor temperatures for an area. For example, for Washington, DC the design day temperature is around 17°F. This means that 97.5% of the time the outside temperature will be at least 17°F. Therefore, a properly sized heating system in Washington, DC should be able to maintain a building's indoor temperature at 68°F when it is at least 17°F outside.

7. PAPERWORK REDUCTION ACT

The information collections referenced in this Notice have been approved by OMB pursuant to the Paperwork Reduction Act under, OMB control numbers 2577-0230 and 2577-0266.

/s/

Dominique Blom
General Deputy Assistant Secretary
for Public and Indian Housing