*24 CFR 5.701 (a)* Scope. This subpart applies the national standards for the physical inspection of real estate standards to the following HUD programs: (1) All Public Housing programs (programs for housing assisted under the U.S. Housing Act of 1937 other than section 8 of the Act); (2) The Housing Choice Voucher program under section 8(o) of the U.S. Housing Act of 1937, part 982 of this title and the Project-Based Voucher program under section 8(o)(13) of the Act and the regulations at 24 CFR part 983 (referred to in this part as the HCV and PBV programs, or HCV and PBV housing); (3) All project-based Section 8 programs; (4) Section 202 Supportive Housing for the Elderly (Capital Advances); (5) Section 811 Supportive Housing for Persons with Disabilities (Capital Advances); (6) Section 202 direct loan program for projects for the elderly and persons with disabilities as it existed before October 1, 1991 (including 202/8 projects and 202/162 projects); and (7) Housing with mortgages insured or held by HUD, or housing that is receiving assistance from HUD, under the following authorities: (i) Section 207 of the National Housing Act (NHA) (12 U.S.C. 1701 et seq.) (Rental Housing Insurance); (ii) Section 213 of the NHA (Cooperative Housing Insurance); (iii) Section 220 of the NHA (Rehabilitation and Neighborhood Conservation Housing Insurance); (iv) Section 221(d)(3) of the NHA (Market Interest Rate (MIR) program); (v) Section 221(d)(3) and (5) of the NHA (Below Market Interest Rate (BMIR) program); (vi) Section 221(d)(4) of the NHA (Housing for Moderate Income and Displaced Families); (vii) Section 231 of the NHA (Housing for Elderly Persons); (viii) Section 232 of the NHA (Mortgage Insurance for Nursing Homes, Intermediate Care Facilities, Assisted Living Facilities, Board and Care Homes); (ix) Section 234(d) of the NHA (Rental) (Mortgage Insurance for Condominiums); (x) Section 236 of the NHA (Rental and Cooperative Housing for Lower Income Families); (xi) Section 241 of the NHA (Supplemental Loans for Multifamily Projects). (Where, however, the primary mortgage of a Section 241 property is insured or assisted by HUD under a program covered in this part, the coverage by two HUD programs does not trigger two inspections); and (xii) Section 542(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) (Housing Finance Agency Risk Sharing program). [24 CFR 5.701(a)](https://www.govinfo.gov/content/pkg/CFR-2023-title24-vol1/pdf/CFR-2023-title24-vol1-sec5-701.pdf)

*24 CFR 5.701(c)* HUD housing. For purposes of this subpart, the term ‘‘HUD housing’’ means the types of housing listed in paragraph (a) of this section. [24 CFR 5.701(c)](https://www.govinfo.gov/content/pkg/CFR-2023-title24-vol1/pdf/CFR-2023-title24-vol1-sec5-701.pdf)

*24 CFR 5.705(c)(5)* Housing choice vouchers. PHAs must inspect units subject to part 982 of this title in accordance with the frequency described in [24 CFR 982.405](https://www.ecfr.gov/current/title-24/section-982.405).

<https://www.federalregister.gov/d/2023-09693/p-691>

24 CFR 5.705(c)(6) Project based vouchers. PHAs must inspect units subject to [24 CFR part 983](https://www.ecfr.gov/current/title-24/part-983) in accordance with the frequency described in [24 CFR 983.103](https://www.ecfr.gov/current/title-24/section-983.103).

<https://www.federalregister.gov/d/2023-09693/p-692>

*24 CFR 5.705(f)* Tenant involvement in inspections. HUD will establish, through notice, a procedure for tenants to recommend to HUD particular units which HUD may choose to inspect either during or separate from its standard inspection. HUD will evaluate the condition of these units and issue a report on findings, but they will not be included in the official score unless they were randomly selected independent of the tenant's recommendation. The owner or PHA is required to correct any deficiency HUD identifies within the timeframes HUD has established for the identified deficiency.

<https://www.federalregister.gov/d/2023-09693/p-697>

*24 CFR 5.707 Uniform self-inspection requirement and report*. All PHAs and owners of HUD housing subject to an assistance contract, other than owners participating in the HCV, PBV, and Moderate Rehabilitation programs, are required to annually self-inspect their properties, including all units, to ensure the units are maintained in accordance with the standards in § 5.703. The owner or PHA must maintain the results of such self-inspections for three years and must provide the results to HUD upon request. This self-inspection is independent of other HUD inspections discussed in § 5.705. The owner or PHA may choose to conduct this inspection after a HUD inspection to satisfy this requirement and the post-report survey requirement at § 5.711(c)(2) simultaneously.

<https://www.federalregister.gov/d/2023-09693/p-698>

*24 CFR 5.711(c)(1) Inspection* report requirements. *(1)* Life-Threatening deficiencies and Severe deficiencies. Upon completion of an inspection, or at the end of each day on a multiple-day inspection, REAC, or the appropriate party as described in § 5.705(b), will provide the owner or PHA or owner's representative, a notice of any items classified as Life-Threatening or Severe deficiencies. All Life-Threatening items must be corrected within 24 hours of receipt of notice of these items, unless HUD approves a variation. All Severe items must be corrected within 24 hours of receipt of notice, unless indicated otherwise within the individual inspection standards published in the **Federal Register** with notice and the opportunity for comment, or HUD approves a variation. The owner or PHA or owner's representative must electronically certify and provide supporting evidence within 2 business days after the deadline to correct the Life-Threatening and Severe items that the items have been resolved or sufficiently corrected such that they no longer pose a severe health or safety risk to residents of the property, or that the hazard is blocked until permanent repairs can be completed. If permanent repair will take longer than the allowable time in the relevant standard for the deficiency, the owner or PHA must provide HUD a timeframe for completing permanent repairs for HUD approval.

<https://www.federalregister.gov/d/2023-09693/p-709>

*24 CFR 5.711(c)(2*) Post-report inspection. The owner or PHA must carefully review the inspection report and is responsible for conducting its own survey of the total property. Moderate deficiencies must be corrected within thirty days and Low deficiencies must be corrected within sixty days, unless indicated otherwise within the individual inspection standards published in the **Federal Register** with notice and the opportunity for comment or within such other reasonable time prescribed by a HUD notice to the owner or PHA. For properties that scored at or above 60, the survey may be limited to inspecting for deficiencies based on the inspecting entity's inspection findings. For properties that scored below 60, the owner or PHA must conduct a survey of the entire project, including all units, inside areas, and outside areas, for any deficiency, and must electronically submit a copy of the results of the survey to HUD. <https://www.federalregister.gov/d/2023-09693/p-710>

(d) *Technical review of inspection results* —(1) *Timing.* A request for a technical review of inspection results must be submitted electronically and must be received by the inspecting entity no later than the 45th calendar day following the day the inspection report is provided to the owner or PHA.

<https://www.federalregister.gov/d/2023-09693/p-711>

(2) *Request for technical review.* The request must be accompanied by the owner's or PHA's relevant evidence that an objectively verifiable and material error occurred or adverse conditions beyond the owner or PHA's control occurred, which if corrected will result in a significant improvement in the overall score of the property. A technical review of the inspection results will not be conducted based on conditions that were corrected subsequent to the inspection. Upon receipt of this request from the owner or PHA, the REAC will review the inspection and the evidence. If the REAC review determines that an objectively verifiable and material error (or errors) or adverse condition(s) beyond the owner's or PHA's control has been documented and that it is likely to result in a significant improvement in the property's overall score, the REAC will take one or a combination of the following actions:

(i) Undertake a new inspection;

(ii) Correct the original inspection; or

(iii) Issue a new physical condition score.

<https://www.federalregister.gov/d/2023-09693/p-712>

(3) *Burden of proof that error or adverse conditions occurred rests with owner or PHA.* The burden of proof rests with the owner or PHA to demonstrate that an objectively verifiable and material error (or errors) or adverse conditions occurred in the REAC's inspection through submission of evidence, which if corrected will result in a significant improvement in the property's overall score. The REAC will apply a rebuttable presumption that the inspection was conducted accurately. To support its request for a technical review of the physical inspection results, the owner or PHA may submit photographic evidence, written material from an objective source with subject matter expertise that pertains to the item being reviewed such as a local fire marshal, building code official, registered architect, or professional engineer, or other similar evidence.

<https://www.federalregister.gov/d/2023-09693/p-716>