



**NEW YORK CITY HOUSING AUTHORITY  
LEASED HOUSING DEPARTMENT**

## **Frequently Asked Questions on Housing Opportunity Through Modernization Act (HOTMA) Housing Quality Standards (HQS) Updates**

### **1. What is HOTMA?**

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) made significant changes to statutes that govern HUD programs, including enforcement of Housing Quality Standards (HQS), Housing Choice Voucher (HCV), and Project Based Voucher (PBV) programs.

### **2. How will HOTMA change enforcement policies for HQS?**

A. NYCHA is changing its Housing Assistance Payments (HAP) withholding policy for HQS failure for all inspection types. Previously, once payments for the unit were suspended for HQS failure, but the unit ultimately passed HQS, NYCHA withheld payments for up to 6 months if the unit met certain conditions. Starting April 1, 2025, the changes include:

- i) For initial inspections, if a unit is rented with non-life-threatening (NLT) violation(s), the owner must correct the violations within 30 calendar days of the effective date of the HAP contract. After those 30 days, NYCHA will withhold payment during the following 60 calendar days until the violation(s) is resolved. If the violation(s) is resolved within this 60 calendar days period, the owner may be entitled to receive withheld payments. If violations are still not addressed after 90 calendar days from the HAP effective date, NYCHA will abate payments, meaning the owner will not receive payment, including previously withheld payments, for the period the violation(s) was not addressed.
- ii) For periodic inspections, including annual, biennial, special, complaint, and quality control inspections, if HQS violations are not timely corrected, payments will be abated. In these circumstances, the owner will not be entitled to retroactive payments for the period that violations were not addressed.

B. The cure period for non-life-threatening violations found during a periodic inspection has been extended from 30 to 90 calendar days.

### **3. When do HOTMA changes to HQS enforcement policies go into effect?**

Changes to HQS enforcement policies go into effect on April 1, 2025. Certification of Completed Repairs received and inspections conducted after this date will follow the new policies.

### **4. What types of inspections will be included in these changes?**

All types of inspections, including initial (e.g., Rental, Transfer and Restoration) and periodic inspections (e.g., Annual, Biennial, Special and Quality Control).

**5. What is the cure period to correct inspection violations?**

Inspection Type	Violation Type	Cure Period
Initial Inspection (e.g., Rental, Transfer, and Restoration)	Non-Life Threatening	30 Calendar Days
Period Inspection (Annual, Biennial, Special, and Quality Control)	Life Threatening	24 Hours
	Window Guards	21 Calendar Days
	Non-Life Threatening	90 Calendar Days

**6. Will the subsidy be abated if repairs are not completed within the cure period?**

Yes. NYCHA will abate the subsidy if violations are not corrected within the cure period.

**7. Will NYCHA issue payments after the subsidy is abated?**

Once the subsidy is abated, the owner will not receive payment, including previously withheld payments, for the period the violation(s) was not addressed.

**8. What happens if the initial inspection fails for a non-life-threatening violation and is not corrected within the cure period?**

If the non-life-threatening violation is not corrected within 30 calendar days, the subsidy will be suspended. The owner may receive a retroactive payment if NYCHA confirms repairs within 60 days.

If the violation is not corrected within 90 calendar days, the subsidy will be abated, and retroactive payment will not be made once NYCHA verifies repairs.

**9. If the subsidy is abated for a failed initial inspection, will the tenant get a transfer voucher?**

If the violation is not corrected within 60 calendar days, the tenant will be issued a transfer voucher to search for a new unit.

If the violation is not corrected within 180 calendar days from the HAP contract's effective date, the HAP contract with the owner will be terminated.

**10. What happens if the periodic inspection fails for a life-threatening violation and is not corrected within the cure period?**

If the violation is not corrected within 24 hours, the subsidy will be abated, and retroactive payment will not be made.

If the violation is not corrected within 30 calendar days, the tenant will be issued a transfer voucher to search for a new unit. If the violation is not corrected within 60 calendar days, the HAP contract with the owner will be terminated.

**11. What happens if the periodic inspection fails for window guard violations and is not corrected timely?**

If the violation is not corrected within 21 calendar days, the subsidy will be abated, and retroactive payment will not be made.

If the violation is not corrected within 80 calendar days, the tenant will be issued a transfer voucher to search for a new unit, and the HAP contract with the owner will be terminated.

**12. What happens if the periodic inspection fails for a non-life-threatening violation and is not corrected within the cure period?**

If the violation is not corrected within 90 calendar days, the subsidy will be abated, and retroactive payment will not be made. The tenant will be issued a transfer voucher to move.

If the violation is not corrected within 180 calendar days, the HAP contract with the owner will be terminated.

**13. Will the process to certify the repairs change?**

The process to certify repairs will not change. NYCHA is still accepting the NE-2 certifications and supporting documents to certify repairs in the unit.