

## **Preclearance and Walkthrough Frequently Asked Questions for Provider Staff**

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## **Preclearance and Walkthrough Frequently Asked Questions for Provider Staff *(continued)***

### **Overview**

Rental units must pass two (2) checks before a lease is signed and the tenant can move in with rental assistance. This two-step process includes a preclearance and a walkthrough:

1. The first check is a preclearance, which is an online process where the rental unit information is submitted to the Department of Social Services (DSS). DSS checks for serious violations and confirms ownership.
2. Once the rental unit passes the preclearance, a physical walkthrough is scheduled to review the unit. The condition of the rental unit and building must meet basic health and safety requirements.

### **Preclearance FAQ**

**1. How do I know if my preclearance has passed?**

DSS will email the results to the person listed as the Inspection Contact on the Offers form.

**2. How long does it take to get results from a preclearance request?**

Preclearance results will be emailed 3-5 days after preclearance submission.

**3. Why do landlords and brokers need to provide their contact information?**

DHS uses their contact information to schedule a walkthrough after the preclearance.

**4. Why did my preclearance fail when I submitted my information via the Offers website?**

The Comments section of the *Clearance Result Form* will indicate the reason(s) for the failure.

Please refer to [Question #9](#) for a list of common reasons why a rental unit may fail the preclearance.

**5. Why does my preclearance failure state that the apartment is listed wrong?**

The apartment number entered in the Offers form must be listed on Housing Preservation & Development's (HPD) property information system (HPD Online), which is used by DSS during the preclearance check. Please confirm the apartment number before submitting the Offers form.

## Preclearance and Walkthrough Frequently Asked Questions for Provider Staff *(continued)*

### 6. My preclearance failed because the rental unit has violations. What is the next step?

The violation(s) must be fixed. After the violation(s) is fixed, you must submit another preclearance request on the Offers website. If you have resolved the violations, but the Department of Buildings (DOB)/Housing Preservation & Development (HPD)/New York City Fire Department (FDNY) website is not updated, send documentation of resolution to the Clearance and Apartment Review Unit (CAR) via email at [apartmentoffers@dhs.nyc.gov](mailto:apartmentoffers@dhs.nyc.gov) when you resubmit it for preclearance.

### 7. Is a basement apartment a legal apartment?

For a basement apartment to be legal, it must be listed on the Department of Buildings (DOB) Certificate of Occupancy (CO) for the building.

Please refer to the [Walkthrough FAQ](#) section for additional information on basement apartments.

### 8. What about lead violations?

If the rental unit fails because of a lead violation and you have remediated the lead issue with DOB and/or HPD, DSS will accept proof of payment of the DOB and/or HPD fines along with proof of XRF lead testing or remediation.

If the lead violation is for failure to disclose or keep records, DSS will accept proof of the XRF lead testing. If a building is exempt from a presumptive lead paint violation, proof of the exemption may be sent. Please send documentation of resolution to the Clearance and Apartment Review Unit (CAR) via email ([apartmentoffers@dhs.nyc.gov](mailto:apartmentoffers@dhs.nyc.gov)).

**Please Note:** Local Law 31 of 2020 requires all NYC apartments and common areas in buildings built before 1978 to be tested for lead paint by August 31, 2025.

### 9. What are other common reasons for preclearance failure?

For a list of common reasons why a rental unit may fail the preclearance, please refer to Common Reasons for Apartment Clearance and ARC Failure ([DSS-89](#)).

Some common failure reasons are as follows:

- Apartment description is incorrect.
  - Example: The apartment is listed (where) as a two-bedroom apartment, but it is a one-bedroom apartment.
- The number of apartments in the building do not equal the number of apartments on the Certificate of Occupancy.
  - Example: The preclearance form lists five (5) apartments in the building, but the building has six (6) apartments according to the DOB's Certificate of Occupancy.

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## Preclearance and Walkthrough Frequently Asked Questions for Provider Staff *(continued)*

- The building is in HPD's Alternate Enforcement Program (AEP).
  - Description: The building has either class "B" hazardous and class "C" immediately hazardous housing maintenance code violations. These buildings undergo frequent inspections to monitor correction of violations and can be issued Orders to Correct if the owner fails to act.
  
- Heat and/or Hot water violation in building.
  - Description: For water violations, the building does not have a constant minimum temperature of 120 degrees Fahrenheit for running water.  
  
For Heat violations, the building does not provide heat to maintain an inside temperature of at least 68 degrees Fahrenheit from October 1<sup>st</sup> to May 31<sup>st</sup> when the temperature falls below 55 degrees Fahrenheit between the hours of 6:00am and 10:00pm. The inside temperature is required to be at least 62 degrees Fahrenheit between the hours of 10:00pm and 6:00am during the same time period.
  
- Stop Work Order or a Vacate Order exists on the property.
  - Description: DOB has issued a Stop Work Order (SWO) when inspectors determine a site has unsafe work or conditions. DOB or the City has issued a vacate order to ensure public safety from damaged buildings, illegal conditions, or dangerous conditions that may exist or near the property.
  
- The building is in pre-foreclosure filing status.
  - Description: The building owner has received the 90-day notice from the mortgage holder.
  
- Landlord is currently in litigation with HPD.
  - Description: Housing Court is actively seeking court orders against the landlord for the correction of conditions and civil penalties, where appropriate.

### **10. Do I need to submit a clearance for rental units outside of New York City or out of New York State?**

- Rental units outside of NYC do not require preclearance, but do require walkthroughs. These can be done in-person or a virtual inspection can be requested.
- Units being rented as part of the SOTA program that are out-of-state do not require preclearance. Photos of the rental unit are requested and must be included in the rental packets and the Apartment Review Checklist for Outside of NYC ([DSS-10h](#)) must be included.

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## Preclearance and Walkthrough Frequently Asked Questions for Provider Staff *(continued)*

### Walkthrough FAQ

#### 1. Can a walkthrough happen before a preclearance of the rental unit?

No. The rental unit being offered must pass the preclearance check before a walkthrough can be done.

#### 2. What is the walkthrough approval process?

Walkthroughs of rental units are scheduled and conducted by DSS or contracted Provider staff after the rental unit has passed the preclearance.

DSS' CAR Unit conducts walkthroughs of all ground floor and 1<sup>st</sup> floor units, basements, attics, rooms, and Single Room Occupancy (SRO) units. The CAR Unit can also conduct walkthroughs of other floors as needed. All other walkthroughs are conducted by contracted Provider staff.

The walkthrough approval process is based on the rental unit receiving a "Pass" on all questions listed in the Apartment Review Checklist (ARC) ([DSS-10a](#)).

#### 3. What is checked during a walkthrough?

The Apartment Review Checklist (ARC) ([DSS-10a](#)) provides a comprehensive list of everything checked during a walkthrough. Additional information for Checklist questions that indicate "See Guidance" can be found in the Apartment Review Checklist Guidance ([DSS-10b](#)).

If the apartment is a basement, or if a condition is found in the apartment that requires an "escalation," the condition must be referred by the Provider to DHS' CAR Unit at [apartmentoffers@dhs.nyc.gov](mailto:apartmentoffers@dhs.nyc.gov) for further investigation.

As stated in the **DSS-10a**, the following are some examples of conditions that require an escalation:

- **Peeling Paint:** If all interior surfaces are not free of cracked, peeling, and loose paint and the date of the property's construction is 1978 or earlier.
- **Radiator:** If the heat source is a radiator and there is steam coming from the radiator or from the pressure valve, or there is moisture around the pressure valve.
- **Basement, Cellar, or Attic:** If the apartment in the basement, cellar, or attic.
- **Drop Ceiling:** If there a drop ceiling (i.e., a secondary ceiling hung beneath the main ceiling).
- **Illegal Subdivision:** If there is reason to think that the apartment was illegally subdivided.

## **Preclearance and Walkthrough**

### **Frequently Asked Questions for Provider Staff *(continued)***

**4. Are photos of the walkthrough submitted with the rental packet?**

No. However, the photos must be saved and provided to DSS upon request.

**5. What requirements are needed for each room used for sleeping?**

Each room that is used for sleeping must be at least 80 square feet, have a permanent heating source, and a window.

**6. Do the building and apartment need to be labeled?**

Yes. There must be a house number (street address) on the building and the number of the apartment must be labeled on the outside of the apartment.

**7. What are common reasons for failing the walkthrough?**

For a list of common reasons why a rental unit may fail the walkthrough, please refer to Common Reasons for Apartment Clearance and ARC Failure ([DSS-89](#)).

**8. Must the apartment front door have a self-closing mechanism?**

For buildings with 3 or more apartments, there must be a self-closing mechanism on the apartment front door.

**9. What are common problems found in the kitchen or near sinks?**

The walkthrough will fail if:

- the stove does not turn on without the use of an external lighter.
- there is grease around the stove burners.
- there are no ground fault circuit interrupter (GFCI) outlets near the kitchen sink or wash basin.

**10. Will peeling paint cause a walkthrough failure?**

Yes. There must not be any peeling or cracked paint on the walls or ceiling. Also, there must not be any parts of the ceiling that bulges.

**11. What are the requirements for both kitchens and bathrooms?**

Kitchens and bathrooms must have a vent or a window.

**12. Are window guards necessary in the apartment?**

Yes. Window guards are required if there are three or more apartments in the building and a child 10 years old or younger will live there. Window guards must be installed correctly with one-way screws in the apartment.

For detailed information on window guard requirements, including images, please refer to the Apartment Review Checklist Guidance ([DSS-10b](#)).

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## **Preclearance and Walkthrough Frequently Asked Questions for Provider Staff *(continued)***

### **13. Are walkthroughs required for apartments outside of New York City or out of New York State?**

Apartments outside of New York City require walkthroughs which can be done in-person or a virtual inspection can be requested.

For units being rented as part of the SOTA program, photos of the unit are requested and must be included in the rental packets.

For units being rented outside of NYC, but within NYS, as part of the CityFHEPS program, the Apartment Review Checklist for Outside of NYC ([DSS-10h](#)) must be included.

#### **Additional Support:**

- To schedule a walkthrough, Providers must contact **212-232-0560**.
- The DHS Rehousing Customer Service Call Center at **929-470-3052** can assist Providers with questions regarding preclearance, walkthroughs, rental assistance programs, and more.