



Commonwealth of Massachusetts

EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

To: Regional Administering Agencies
From: Edwin Bonilla
Date: October 16, 2025
Re: **Updated HAP Abatement Policy (Effective November 1, 2025)**

HAP Abatement Policy

If a unit does not comply with HUD's required inspection standards (currently Housing Quality Standards (HQS) but moving to National Standards for the Physical Inspection of Real Estate (NSPIRE), the Executive Office of Housing and Livable Communities (EOHLC) and Regional Administering Agencies (RAA) must take action to enforce compliance, including withholding (abating) payments or terminating payments and the contract.

Housing Assistance Payment (HAP) abatements are an essential enforcement tool within the Housing Choice Voucher Program (HCVP) to ensure that assisted units meet HQS/NSPIRE. When a unit fails an HQS/NSPIRE inspection and the owner does not address the deficiencies within the required timeframe, the RAA may suspend or reduce HAP to the owner until the unit is compliant. (HAP contracts are not subject to abatement for tenant-caused violations.)

Neither EOHLC nor the RAA may pay HAP for a contract unit that fails to meet HQS/NSPIRE. Payments will resume only after the property owner corrects the deficiencies and the RAA verifies compliance.

This process helps maintain safe, decent, and sanitary housing for voucher participants while holding property owners accountable for necessary repairs. HAP abatements serve as both a corrective measure and an incentive for timely maintenance, reinforcing program integrity and participant well-being. This guide outlines the conditions under which abatements occur, the procedural requirements for enforcement, and the steps needed to restore payments once compliance is achieved.

Immediate health and safety violations (life-threatening violations) must be addressed within 24 hours, while all other issues must be corrected within 30 calendar days unless EOHLC or the RAA grants an extension.

Timing and Extensions:

In the event of a life-threatening violation, the RAA will immediately suspend the HAP, and an inspector must conduct a reinspection within 24 hours. For detailed procedures regarding

reinspection failures, please refer to Section 8.14.1 (24-Hour HQS Violations) of the [HCVP Administrative Plan](#).

HAP payments will be withheld for non-life-threatening violations if the issues are not resolved within 30 days unless an extension has been granted. The RAA will reinspect units under suspended rent status for non-life-threatening violations within 5 to 10 business days following the owner's notification of completed repairs. If the unit passes inspection, HAP payments will resume effectively from the date of the owner's notification.

If an extension is necessary, the owner must submit a written request to the RAA's Inspection Manager that includes:

- a. A brief description of the reason for the delay and
- b. An expected completion date.

If the delay arises from circumstances beyond the owner's control, such as seasonal repairs, the RAA will document these circumstances. A single, case-by-case extension may be granted to accommodate delays due to inclement weather. Only the RAA's Inspection Manager has the authority to approve seasonal extensions.

Notification:

If the RAA has to withhold payments, it will issue a written Notice of Abatement to the property owner and the tenant. This notice will outline the applicable abatement policy, specify the correction period required (either 24 hours for life-threatening violations or 30 days for routine violations), and clearly state the effective date for the proposed rent hold, which will be after the expiration of the specified correction period.

Once the property owner has completed the necessary repairs and is prepared for a reinspection, they must promptly notify the RAA to confirm compliance with the correction deadline. The RAA is responsible for maintaining a record of the date on which the reinspection request is received.

Termination of HAP Contract:

The maximum period for withholding HAP payments is 90 days. If the violation is not rectified and a reinspection is not requested within this time frame, the HAP contract will be automatically terminated. The RAA is required to terminate the HAP contract when the necessary repairs are not completed within the allowed time.

Please note that, even if the tenant remains in the unit, the RAA cannot pay HAP once the contract is terminated. If repairs are completed after the termination date, a new Request for Tenancy Approval (RFTA), a new initial inspection, and a new HAP contract will be required.

HAP Abated Payments:

No retroactive payments will be made to the property owner for any period during which rent was withheld.

During the abatement period, the family remains responsible for their share of the rent. The owner is not permitted to seek payment from the tenant for the abated amount and cannot use the

abatement as grounds for eviction. The Notice of Abatement must clearly state that the tenant is not liable for the portion of rent that has been abated by the RAA.

The rent abatement policy stipulates that if the owner calls for a reinspection after the rent is on hold and the unit passes inspection; the abatement will be set at 100%. If the owner calls for a reinspection and the unit fails again, the abatement will continue at 100%.

Once the RAA confirms that all required repairs have been completed and the unit passes inspection, rental subsidy payments will be reinstated. The abatement will be set at **100% of the daily HAP amount**, effective from the date rent was initially withheld until the unit successfully passes inspection. RAAs can track this using the monthly calendar in the inspections management software. There will be no reimbursement for amounts held due to abatement.

Once the amount of HAP abatement has been determined, any payment owed will be processed in the next available check run.

Calculating the Abatement HAP:

In the scenario below, the owner failed to complete necessary repairs promptly, and the rent was withheld for 15 days. This rent will be abated 100%.

Annual inspection: 11/2/24 – Fail
Reinspection: 12/2/24 – Fail, HAP put on hold
Reinspection: 12/17/24 – Passed

Monthly HAP: \$1000
Days on hold: 15
Daily HAP: ($\$1000/31$ days) = \$32.26
Abatement: (15 days * \$32.26) = \$483.87

Total HAP due for December: ($\$1000 - \483.87) = \$516.13

Month	HAP	Daily HAP	% of HAP Reduction	Reduce Daily HAP	Days	Total Reduction
December	\$1,000	\$32.26	100%	\$32.26	15	\$483.87

- The HAP amount for December was \$1,000, which equates to a daily rate of \$32.26 ($\$1,000 \div 31$ days).
- The rent abatement is applied at 100% of the daily HAP amount (so, \$32.26 withheld each day the unit is not in compliance).
- The rent was on hold for 15 days, resulting in a total abatement of \$483.87 ($\32.26×15 days).
- After deducting the abatement from the full monthly HAP, the remaining amount due for December is \$516.13.