

# America's Whackiest REAC Stories !!

## War Stories from the Trenches of the REAC Consulting Biz-ness

### Remember Lost in Space? "Danger, Will Robinson, Extreme Danger – Swing Chain Detected at 2 Meters!"

Defects on playground equipment are rated at Level 1 if 20 to 50% of the equipment does not function properly. This escalates to Level 2, only when more than 50% of the equipment does not function. The Level 3 Damaged/Broken Equipment defect on the playground is reserved for hazardous conditions only. The definition says: "You see equipment that poses a *threat to safety* and could cause injury." This usually results in a 6 point deduction, and maybe that is fair. The problem is, that different people see their hazards differently. At some level in REAC's management, it has apparently been clearly established that if a swing is hanging by one chain and the other chain is dangling free, this is a hazardous condition. Nobody is quite sure why... one REAC official told me that "someone could walk into the chain and be injured." Another REAC official told me that "a child could get the chain wrapped around their neck and be hung." Now, to me, a swing that functions, which a child could swing on, and fall off of, is way more dangerous than a swing that doesn't work. Why don't we just all agree that swings are dangerous, and either tear down all the playgrounds in America, or we could just agree that if you have a playground on your property, you automatically lose 6 points?

### The Cutting Edge of REAC Inspections

More than once, my client properties have been cited for Site, Health and Safety, Sharp Edges for a few small pieces of glass on the ground. Once, this was for a piece of glass no larger than a half inch across. What property in American does not have a piece of broken glass present somewhere on the grounds? Wouldn't you agree that if you look carefully, you could find a small piece of glass on every property? Shouldn't we just assume that every property loses 6 points for glass, and revise the scoring system so that an otherwise perfect score equals 94 instead of 100?

### The 18 Point Outlet Cover Debacle

At a wonderful elderly high rise building in Baltimore, the inspector saw an electrical outlet in the basement that had a rusty steel outlet cover. Even though the UPCS standards specifically and explicitly exclude receptacles from being evaluated as part of the Building Systems/Electrical System, he called this condition "Building Systems/Electrical/Evidence of Leaks and Corrosion." This defect was worth 18 points, tipping the scale so that the property failed! Despite the specific exclusion of outlets from Systems by REAC standards, and although the appeal included a clear description and photograph of the receptacle, the reviewers rejected this 18 point appeal, stating that we "failed to provide objective verifiable proof" that the outlet was not part of the building systems. This ridiculous situation was communicated up the chain of command at REAC, and eventually took nearly 9 months to be resolved.

### The Little Property That Could Go From 83 to 57 to 23 to 93 in Six Months

Another very nice elderly high-rise in Chicago which had always scored in the 80s received a score of 57. Their appeal was not prepared well, and was rejected. They decided to accept the results and get ready for the reinspection about six months later. Despite the fact that the owners and managers took this very seriously, and spent ten of thousands of dollars to repair everything that was cited during the first inspection, the reinspection resulted in a completely different list of new defects and a score of about 23. Then they received their letter of notification of foreclosure proceedings. This inspection, conducted by two of the QA reps who are responsible for training regular inspectors cited some unbelievable defects. The property had a two story, open air parking garage beneath it. The garage had no walls so that rain could blow inside, and wet cars were driving in and out. The inspectors cited the bare concrete parking garage floors for "Level 3 Water Stains" at a value of about 6 points. There was also a sidewalk that abutted the foundation of the building. There was an expansion joint between the foundation and the sidewalk, but some concrete had been poured over it. This concrete had cracked, so the inspectors cited "Level 3 Foundation Cracks" for about 8 points. The inspection contained so many questionable judgments that the local HUD Field office and the property's legal counsel got involved and the inspection was declared invalid along with 2 other inspections done by the same team around the same time. This is when I first got involved, with about 2 weeks to prepare the property for yet a third inspection to replace the re-inspection. In a couple days, I flew to Chicago, inspected the property, and prioritized a list of over 150 additional potential issues that all 3 previous inspectors had failed to cite. The owners and managers worked 7 days a week, around the clock, and when the property was re-inspected again in ten days, their score was 93. This property went from their

prior history of scores in the 80s, to a 57, to a 23 after aggressive repairs. A short time later it scored a 93. What does all this mean?

#### The 18 Point Inch of Copper Pipe

An extended care geriatric hospital in Los Angeles had a history of scores in the 90s. California is notorious for stringent oversight and micromanagement of many things, and health care facilities are no different. As a health care facility, they were subject to frequent, stringent inspections by a number of authorities that regulate hospitals and assisted living facilities – and they always passed. Then, they got a new REAC inspector. They were shocked to receive a score of 27 on an inspection designed to evaluate public housing. Among other defects, they were cited for such defects as “Level 3 Building Exterior Door Surface Damage” worth 7 points, for the sun damage to the varnish on their fancy oak entry door. They lost 17 points for a freckling of over-sprayed paint, which did not affect the operation of a sprinkler head. They lost 14 points for a newly broken outlet cover on a GFI outlet in the Kitchen. The facility had a number of boilers and water heaters in their mechanical area which were fine, but they also had a 5 gallon water heater at a hand washing sink in the maintenance shop. This water heater was under a counter, and its pressure relief valve was 19 inches from the floor. Because it had not been extended with a pipe to within 18 inches of the floor, it was cited a “Building Systems, Domestic Water System, Missing Pressure Relief Valve” at a value of 18 points. After I inspected the property and created a strategy for addressing their problems, they got a 94 on the next inspection.

#### The Rubber Stopper Caper

Another elderly care hospital in Los Angeles lost about 10 points for the lack of sink stoppers in bathroom sinks. These were sinks that were, technically speaking, Common Area sinks, because they were in bathrooms shared by two hospital rooms – and they therefore did not require sink stoppers anyway. This facility specializes in care for Alzheimer’s victims and cases of severe dementia. Most of the patients are incapable of using the bathroom without supervision. The staff had removed all the sink stoppers after one patient choked while trying to eat one of them.

#### The Missing Manhole Cover

During an inspection, the inspector informed me that he was recording a defect for Building Systems, Sanitary System, Missing Clean Out/Drain/Manhole cover. I objected, because the missing cover was out by the curb, at the 3 or 4 inch pipe to the water meter shut off valve, which would be excluded from being included in the Sanitary System. “It’s not a clean out, it’s not even part of the Sanitary System, it’s part of the Domestic Water supply system,” I said. He looked at me straight faced, and said, “It’s a MANHOLE cover,” and he wrote it up anyway. Our appeal on this was rejected because we didn’t provide objective verifiable proof that the 4 inch cover was not a manhole cover.

#### The World’s Smallest Retaining Wall

At a property in Richmond, the maintenance man had laid a 6 foot length of a treated 2x4 on the ground next to a sidewalk, where there was a step, to keep grass from overgrowing the sidewalk. This 2x4 was rotten, to be sure, but it was just lying on the ground – it wasn’t an engineered structure and wasn’t even authorized by management. The inspector cited this as a Retaining Wall issue, worth 6 points. Our appeal was rejected, and I called “a person who shall remain nameless” at REAC to Complain. He told me that, technically, the inspector was correct, and he could not help me. During that conversation, I said, “But isn’t it readily apparent that it’s ridiculous?” He told me, “We know there are some issues with certain defects and scoring, and we’re working on it – but we don’t have funding to fix it.” I guess that excuses the whole matter. Wouldn’t it be nice if all we had to say was, “Oh yeah, we know this property is really MESSED UP, but we don’t have FUNDING,” and then all our problems would be excused?

#### What is Rebar, Anyway?

Do you know what rebar is? It’s that rusty metal, usually round, that is embedded in concrete as reinforcing material. Do you know what foundation form tabs are? They are those flat metal tabs, usually with a hole in them, that stick out of a poured concrete foundation at even intervals. When a foundation is poured, these are what hold the pouring forms up. After the forms are removed, the tabs still stick out, by design. Sometimes, these are broken off, sometimes they are just left there. When a foundation shows signs of spalling, 10 to 50% of the foundation must be affected for a Level 2 defect, or more than 50% for a Level 3. There’s a catch, though. If ANY rebar is visible, the defect is automatically Level 3. This is worth 7 to 9 points on a single building property. You may understand the difference between rebar and form tabs, but apparently many inspectors do not – and the reviewers who reject your appeals do not understand this either.

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