Chapter 5

OCCUPANCY STANDARDS AND UNIT OFFERS

5-I.A. OVERVIEW

Occupancy standards are established by COC to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from excessive wear and tear or underutilization or from excessive wear and tear due to overcrowding. Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors the COC will use to determine the size unit for which a family qualifies, and includes the identification of the minimum and maximum number of household members for each unit size. This part also identifies circumstances under which an exception to the occupancy standards may be approved.

5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, COC may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)].

HUD does not specify the number of persons who may live in public housing units of various sizes. COC is permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children.

Although COC does determine the size of unit the family qualifies for under the occupancy standards, COC does not determine who shares a bedroom/sleeping room.

COC's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

COC Policy

COC will use the same occupancy standards for each of its developments.

COC's occupancy standards are as follows:

COC will assign one bedroom for each two persons within the household, except in the following circumstances:

Single head of household with additional family members not designated as a spouse or co-head will be allocated a separate bedroom

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Persons of different generations will not be required to share a bedroom except:

A single pregnant woman with no other household members will be allocated a one bedroom ~~and a single parents with one child and no other household members will be assigned a one-bedroom unit.~~

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Assuming no other changes in family composition, after the child reaches the age of 2~~6~~ years, the family will be eligible for a transfer to a 2-bedroom unit.

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Live-in aides will not be allocated a separate bedroom.

Single person families will be allocated a zero or one bedroom.

COC will not assign a larger bedroom size due to additions of family members other than by birth, adoption, marriage, or court awarded-custody.

Foster children will be considered when determining unit size. The family may add foster children to the household as long as it does not overcrowd the unit based on COC's occupancy standards.

Children away at school, but for whom the unit is considered the primary residence, and children temporarily placed outside the home, will be considered when determining unit size.

Children in the process of being adopted will be considered when determining unit size.

Children who will live in the unit less than 50 percent of the time will not be considered when determining unit size.

COC will reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10
6	8	12

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5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

COC Policy

COC will consider granting exceptions to the occupancy standards at the family's request if COC determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

For example, an exception may be granted if a larger bedroom size is needed for medical equipment due to its size and/or function, or as a reasonable accommodation for a person with disabilities. An exception may also be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in Section 5-I.B) and the family does not want to transfer to a larger size unit.

When evaluating exception requests COC will consider the size and configuration of the unit. In no case will COC grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards will be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two years from the date of admission, unless they have a subsequent change in family size or composition.

To prevent vacancies, COC may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer to.

Processing of Exceptions

COC Policy

All requests for exceptions to the occupancy standards must be submitted in writing which may include email.

In the case of a request for exception as a reasonable accommodation, COC will encourage the resident to make the request in writing using a reasonable accommodation request form. However, COC will consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

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COC will notify the family of its decision within 10 business days of receiving the family's request.

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PART II: UNIT OFFERS

24 CFR 1.4(b)(2)(ii); 24 CFR 960.208

5-II.A. OVERVIEW

COC must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination laws.

In filling an actual or expected vacancy, COC must offer the dwelling unit to an applicant in the appropriate offer sequence. COC will offer the unit until it is accepted.

COC Policy

COC will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

5-II.B. NUMBER OF OFFERS

COC Policy

COC has adopted a "one offer plan" for offering units to applicants. Under this plan the first qualified applicant in sequence on the waiting list will be made one offer of a unit of the appropriate size, at a site in which the applicant has applied to reside. If the unit is rejected, the applicant is removed from the waiting list.

If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

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5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

COC Policy

Applicants must accept or refuse a unit offer within 2 business days of the date of the unit offer.

Offers made by telephone will be confirmed by letter or email

5-II.D. REFUSALS OF UNIT OFFERS

Good Cause for Unit Refusal

An elderly or disabled family may decline an offer for designated housing. Such a refusal must not adversely affect the family's position on or placement on the public housing waiting list [24 CFR 945.303(d)]. This rule does NOT apply to refusals for mixed population (elderly and disabled) developments.

COC Policy

Applicants may refuse to accept a unit offer for "good cause." *Good cause* includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

The family demonstrates to COC's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

The family demonstrates to COC's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders; other court orders; risk assessments related to witness protection from a law enforcement agency; or documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.

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The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The unit has lead-based paint and the family includes children under the age of six.

The family demonstrates to COC's satisfaction that accepting the offer will place the family in undue hardship by terminating their current lease.

In the case of a unit refusal for good cause the applicant will not be removed from the waiting list as described later in this section. The applicant will be placed at the bottom of the waiting list based on date and time of action.

COC will require documentation of good cause for unit refusals.

Unit Refusal without Good Cause

COC Policy

When an applicant rejects the final unit offer without good cause, COC will remove the applicant's name from the waiting list and send notice to the family of such removal. The notice will inform the family of their right to request an informal hearing and the process for doing so (see Chapter 14).

The applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the applicant must wait to reapply until COC opens the waiting list.

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5-II.E. ACCESSIBLE UNITS [24 CFR 8.27]

COC Policy

Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, COC will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, COC will require the applicant to agree to move to an available non-accessible unit within 30 days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

5-II.F. DESIGNATED HOUSING

When applicable, COC's policies for offering units designated for elderly families only or for disabled families only are described in the COC's Designated Housing Plan.

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