

## CHAPTER 5

### OCCUPANCY STANDARDS AND UNIT OFFERS

#### INTRODUCTION

The Housing Authority of Danville must establish policies governing occupancy of dwelling units and offering dwelling units to qualified families.

This chapter contains policies for assigning unit size and making unit offers. The Housing Authority of Danville's waiting list and selection policies are contained in Chapter 4. Together, Chapters 4 and 5 of the ACOP comprise the Housing Authority of Danville's Tenant Selection and Assignment Plan (TSAP).

Policies in this chapter are organized in two parts.

Part I: Occupancy Standards. This part contains the Housing Authority of Danville's standards for determining the appropriate unit size for families of different sizes and types.

Part II: Unit Offers. This part contains the Housing Authority of Danville's policies for making unit offers, and describes actions to be taken when unit offers are refused.

#### PART I: OCCUPANCY STANDARDS

##### 5-I.A. OVERVIEW

Occupancy standards are established by the Housing Authority of Danville 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. Part I of this chapter explains the occupancy standards. These standards describe the methodology and factors the Housing Authority of Danville 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, the Housing Authority of Danville 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. Housing authorities are permitted to develop appropriate occupancy standards as long as the standards do not have the effect of discriminating against families with children [PH Occ GB, p. 62].

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

The Housing Authority of Danville's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

Housing Authority of Danville Policy

The Housing Authority of Danville will use the same occupancy standards for each of its developments.

The Housing Authority of Danville’s occupancy standards are as follows:

The Housing Authority of Danville will assign one bedroom for each two persons within the household, except in the following circumstances:

Persons of the opposite sex (other than spouses, and children under age 5) will not be required to share a bedroom.

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

Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide’s family.

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

Working single persons and working families may choose to pay flat rent for a unit one size larger than required.

Foster children will be included in determining unit size.

The Housing Authority of Danville will reference the following standards in determining the appropriate unit bedroom size for a family:

<b>BEDROOM SIZE</b>	<b>MINIMUM NUMBER OF PERSONS</b>	<b>MAXIMUM NUMBER OF PERSONS</b>
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10

**5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS**

**Types of Exceptions**

Housing Authority of Danville Policy

The Housing Authority of Danville will consider granting exceptions to the occupancy standards at the family’s request if the Housing Authority of Danville 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.

When evaluating exception requests the Housing Authority of Danville will consider the size and configuration of the unit. In no case will the Housing Authority of Danville 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, the Housing Authority of Danville 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.

In order to attract higher income families to lower income developments, the following specialized occupancy standards will be applied to working families and working singles above the Established Income Range willing to move into developments below the Established Income Range, as described in the Housing Authority of Danville Plan: Occupancy guidelines of one bedroom used for purposes other than a bedroom, such as den, study room, office. Working Singles and Working Families will be given preference in developments experiencing high vacancies.

Agencies and non-profits providing housing with supportive services are exempt from the occupancy standard as long as the program meets state and local requirements.

## **Processing of Exceptions**

### Housing Authority of Danville Policy

All requests for exceptions to the occupancy standards must be submitted in writing.

In the case of a request for exception as a reasonable accommodation, the Housing Authority of Danville will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the Housing Authority of Danville 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.

The Housing Authority of Danville will notify the family of its decision within 10 business days of receiving the family's request.

## **PART II: UNIT OFFERS**

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

### **5-II.A. OVERVIEW**

The Housing Authority of Danville must assign eligible applicants to dwelling units in accordance with a plan that is consistent with civil rights and nondiscrimination.

In filling an actual or expected vacancy, the Housing Authority of Danville must offer the dwelling unit to an applicant in the appropriate sequence. The Housing Authority of Danville will offer the unit until it is accepted. This section describes the Housing Authority of Danville's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list. This section also describes the Housing Authority of Danville's policies for offering units with accessibility features.

#### Housing Authority of Danville Policy

The Housing Authority of Danville 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**

#### Housing Authority of Danville Policy

The Housing Authority of Danville has adopted a "one offer plan" for offering units to applicants. Under this plan, the Housing Authority of Danville will determine how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. The number of unit offers will be based on the distribution of vacancies. If a suitable unit is available in:

One (1) offer: The applicant will be offered a suitable unit in a location. If the offer is rejected, the applicant will be removed from the waiting list unless there is good cause for refusing the offer. Units will be offered as they become vacant in order to provide the applicant time to make arrangements to make the move.

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

#### Housing Authority of Danville Policy

Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer.

When offers are made by telephone, the applicant's file will be documented with date and time of call and name of person notified. Messages left on the answering machine will be noted in the file. A letter of confirmation must be mailed out within 24 hours of the telephone notification.

Offers are to be made within three days after previous tenant has vacated the unit.

## **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)].

#### Housing Authority of Danville 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. [PH Occ GB, p. 104]. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the 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 the Housing Authority of Danville'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, or risk assessments related to witness protection from a law enforcement agency. 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

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

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 remain at the top of the waiting list until the family receives an offer for which they do not have good cause to refuse.

The Housing Authority of Danville will require documentation of good cause for unit refusals.

### **Unit Refusal Without Good Cause**

#### Housing Authority of Danville Policy

When an applicant rejects the final unit offer without good cause, the Housing Authority of Danville 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 after one year from the date of rejection of the unit offer.

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

Housing authorities must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals with disabilities, and take reasonable nondiscriminatory steps to maximize the utilization of such units by eligible individuals whose disability requires the accessibility features of a particular unit.

When an accessible unit becomes vacant, before offering such units to a non-disabled applicant the Housing Authority of Danville must offer such units:

- First, to a current resident of another unit of the same development, or other public housing development under the Housing Authority of Danville's control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists, then
- Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the Housing Authority of Danville will require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

#### Housing Authority of Danville 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, the Housing Authority of Danville will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, the Housing Authority of Danville 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.