

Chapter 5

OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION

Occupancy standards are established by the NBHA 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. This chapter explains the occupancy standards used to determine minimum and maximum unit sizes for various sized families when they are selected from the waiting list, or when a family's size changes, or when a family requests an exception to the occupancy guidelines.

5-I.A. DETERMINING UNIT SIZE

[24 CFR 960.206(c)].

The NBHA does not determine who shares a bedroom/sleeping room, but there must be at least one (1) person per bedroom.

The NBHA's occupancy standards for determining unit size shall be applied in a manner consistent with fair housing requirements. Dwelling units will be assigned so that generally the NBHA will assign one (1) bedroom to two (2) people within the following guidelines:

Persons of the opposite sex (other than spouses, and children under age 6) will not be required to share a bedroom. 1) Dwelling units will be assigned based on information provided by family.

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 unit.

Foster children will be included in determining unit size at move-in only.

Space will not be provided for a family member who will be absent most of the time, such as a member who is away in the military unless the absence is considered temporary, such as wartime or a short-term peacetime reserve duty.

The living room will not be counted for use as a bedroom.

The NBHA 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

5-I.B. EXCEPTIONS TO OCCUPANCY STANDARDS

Types of Exceptions

The unit considerations in this chapter should be used as a guide to determine whether and when the bedroom size should be changed. If an unusual situation occurs, which is not covered in this policy, the NBHA will make a determination after review of the situation, the individual circumstances, and the verification provided.

The NBHA will grant exceptions to the occupancy standards where it is the family's request or if the NBHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances, and there is a vacant unit available. 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.

In all cases, where the family requests an exception to the general occupancy standards, the NBHA will evaluate the relationship and ages of all members of the family members and the overall size of the unit. In no case will the NBHA 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 three years from the date of admission to the new unit, unless they have a subsequent change in family size or composition.

To prevent vacancies, the NBHA 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. This agreement will be incorporated into the lease:

Processing of Exceptions

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

The request for exception as a reasonable accommodation, will be processed in accordance with the NBHA Reasonable Accommodation policy.

The NBHA will notify the family of its decision within 30 business days of receiving the information.

The NBHA must approve all members residing in the unit. The family must obtain approval of any additional family member before the person occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the NBHA.

To avoid vacancies, the NBHA may provide a family with a larger unit than the occupancy standards permit. The family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is a suitable smaller unit available. This requirement is a provision of the lease.

PART II: UNIT OFFERS

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

5-II.A. INTRODUCTION

The NBHA shall offer an actual or anticipated vacant dwelling unit to an applicant in the appropriate sequence. The NBHA will offer the unit until it is accepted.

The NBHA 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

The NBHA plan for selection of eligible applicants to dwelling units to ensure equal opportunity and non-discrimination on grounds of race, color, sex, religion and national origin:

- **Two offers:** The applicant shall be offered a suitable unit in the location with the higher number of vacancies, oldest vacancy first. If the first unit offer is rejected, a second final offer will be made at another location

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 (oldest vacancy first). The NBHA will maintain a record of units offered and accepted or turned down.

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

Applicants must accept or refuse a unit offer within 1 business days (24hours) of the date of the unit offer.

5-II.D. REFUSALS OF UNIT OFFERS

Unit Refusal:

The NBHA will accept a unit refusal based on the following:

Two offers: The applicant shall be offered a suitable unit in the location with the higher number of vacancies, oldest vacancy first. If the first unit offer is rejected, a second final offer will be made.

The NBHA will document unit refusals.

When an applicant rejects the final unit offer without good cause the NBHA 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).

When an applicant rejects a final unit offer with good cause; he/she will be added to the bottom of the wait list as of the date of refusal;

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 the NBHA opens the waiting list.

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

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

- First, to a current resident of another unit of the same development, or other public housing development under the NBHA'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 NBHA may require the applicant to agree (and may incorporate this agreement in the lease) to move to a non-accessible unit when available.

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 NBHA will offer the unit to a non-disabled applicant.

When offering an accessible unit to a non-disabled applicant, the NBHA 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.