

HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)

CHAPTER 6: OCCUPANCY STANDARDS AND UNIT OFFERS

Introduction

The HACCP 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 HACCP's waiting list and selection policies are contained in Chapter 5. Chapter 5 of the ACOP comprise the HACCP's Tenant Selection. Policies in this chapter are organized in two parts.

Part I: Occupancy Standards

This part contains the HACCP's standards for determining the appropriate unit size for families of different sizes, compositions, and types.

Part II: Unit Offers

This part contains the HACCP's policies for making unit offers and describes actions to be taken when unit offers are refused.

Part I: Occupancy Standards

6-I.A. Overview

Occupancy standards are established by the HACCP 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 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 HACCP 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.

HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)

6-I.B. Determining Unit Size

In selecting a family to occupy a particular unit, the HACCP 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. HAs 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 HACCP does determine the size of unit the family qualifies for under the occupancy standards, the HACCP does not determine who shares a bedroom/sleeping room. The HACCP's occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

HACCP Policy

The HACCP will assign one bedroom for each two persons within the household, except in the following circumstances: Persons of the opposite sex (other than spouses, couples, partners), 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.

Bedroom Size	Minimum # of Persons	Max. # of Persons
0	1	2
1	1	2

6-I.C. Exceptions to Occupancy Standards

Types of Exceptions

HACCP Policy

HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)

The HACCP will consider granting exceptions to the occupancy standards at the family's request if the HACCP 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 6- I.B) and the family does not want to transfer to a larger size unit. When evaluating exception requests the HACCP will consider the size and configuration of the unit. In no case will the HACCP grant an exception that is in violation of local housing or occupancy codes, regulations or laws. Exceptions will not be permitted for high-rises due to unit design and limited living space.

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 HACCP standards – no more than two persons per living/sleeping room – or 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, composition, or reasonable accommodation.

Families requesting an emergency transfer under Section 12-II-B, that are granted an exception to the occupancy standards, must agree not to request a transfer for two years after transfer, unless they have a change in family size or composition.

To prevent vacancies, the HACCP 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. The family will not be required to move until after their first annual reexamination.

Processing of Exceptions

HACCP Policy

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

HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)

In the case of a request for exception as a reasonable accommodation, the HACCP will encourage the family to make the request in writing using a reasonable accommodation request form. However, the HACCP 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 HACCP 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 HACCP 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, the HACCP must offer the dwelling unit to an applicant in the appropriate offer sequence.

The HACCP will offer the unit until it is accepted. This section describes the HACCP'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 HACCP's policies for offering units with accessibility features.

HACCP Policy

The HACCP 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.

HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)

6-II.B. Number of Offers HACCP

HACCP Policy

Unit offers made to applicants will include the required lease effective date information. The HACCP has adopted a “three offer plan” for offering units to applicants. Under this plan, when the HACCP has an appropriately size vacant unit, the HACCP will offer the unit to the applicant. If there are two appropriately sized vacant units available in the same site, the HACCP may offer the unit that has been vacant the longest. If there are two appropriately sized vacant units available at different sites, the applicant at the top of the waiting list will be offered both units and allowed to choose.

If an applicant rejects the initial unit offer, the applicant is returned to the bottom of that site’s waiting list, subject to a thirty (30) day no offer period .Once the applicant reaches the top of a waiting list, they will be provided with a second unit offer when an appropriate unit becomes available. If the applicant rejects the unit offer, the applicant is returned to the bottom of that site’s waiting list, subject to a thirty (30) day no offer period. The applicant will be provided with a third and final unit offer once the applicant reaches the top of a waiting list and an appropriate unit is available.

If the applicant rejects the third offer, they are removed from all HACCP public housing site-based waiting lists. The applicant may reapply if the HACCP waiting lists are open.

6-II.C. Time Limit for Unit Offer Acceptance or Refusal

HACCP Policy

Applicants must accept or refuse a unit offer within 3 business days of the date of the unit offer. Applicants will first be contacted by mail. If the HACCP is unable to reach the applicant by mail, an email will be sent if the applicant provided an email address on their application.

HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)

6-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)].

HACCP 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:

- The family demonstrates to the HACCP’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 the HACCP’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, or stalking 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.
- 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.

HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)

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 HACCP will require documentation of good cause for unit refusals.

Unit Refusal without Good Cause

HACCP Policy

When an applicant rejects the final unit offer without good cause, the HACCP will remove the applicant's name from all public housing waiting lists 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 the HACCP opens the waiting list.

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

HACCPs 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 HACCP must offer such units:

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

HACCP ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP)

HACCP 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 HACCP will offer the unit to a nondisabled applicant
- When offering an accessible unit to a non-disabled applicant, the HACCP 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. The family will not be required to move until after their first annual reexamination. This requirement will be a provision of the lease agreement

6-II.F. Designated Housing

When applicable, the HACCP's policies for offering units designated for elderly families only or for disabled families only are described in Chapter 5.