Chapter 5

OCCUPANCY STANDARDS AND UNIT OFFERS

INTRODUCTION

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

Policies in this chapter are organized in two parts.

**Part I: Occupancy Standards.** This part contains the DMMHA’s standards for determining the appropriate unit size for families of different sizes, compositions and types.

**Part II: Unit Offers.** This part contains the DMMHA’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 DMMHA 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 DMMHA 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.

5-I.B. DETERMINING UNIT SIZE

In selecting a family to occupy a particular unit, the DMMHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 960.206(c)] however, DMMHA does not determine which family members will actually share a bedroom. The DMMHA’s occupancy standards for determining unit size must be applied in a manner consistent with fair housing requirements.

DMMHA has established occupancy standards for individual developments as specified below:

**Royal View Manor**

The following chart outlines the allowable number of occupants per bedroom at Royal View Manor based on HUD guidelines and any deviation from this Policy shall be reviewed by the Director or his or her designee:

<table>
<thead>
<tr>
<th>BEDROOM SIZE</th>
<th>MINIMUM NUMBER OF PERSONS IN HOUSEHOLD</th>
<th>MAXIMUM NUMBER OF PERSONS IN HOUSEHOLD</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-1</td>
<td>1</td>
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I. Adult Allocation:

A married couple (and/or a couple that is considered a stable family relationship as described in Chapter 7 of the ACO) will be allocated an efficiency unit or a one bedroom, dependent on unit availability at time of offer.

Adults of opposite gender (other than couples that are married or considered a stable family as described in Chapter 7 of the ACO) will be allocated separate bedrooms.
In instances in which there are two related, (age 18 or older) family members that are not either married or in a stable family relationship, as defined by Chapter 7 of the Plan, then each of those two members will be allocated a separate bedroom.

II. Child Allocation:

A biological parent and a child age of 5 (five) and younger will be allocated an efficiency unit or a one bedroom unit, dependent on unit availability at time of offer. There shall not be more than one child with a single biological parent per efficiency unit or one bedroom unit.

Foster children shall be considered in determining dwelling unit size.

Two minor children of the same gender will be required to share a bedroom regardless of age.

Children of the opposite gender shall be required to share a bedroom until such time as the oldest child turns 6 (six) years of age. In determining the occupancy standard the DMMHA will permit the family to be allocated the additional bedroom if a child will turn the age required for the additional bedroom as stated in this section within 6 (six) months after lease up.

III. Eligibly as a family member:

A parent must have physical custody of a child under the age of 18 for at least 50% of the time (183 days or more per calendar year) for the DMMHA to consider the child as a member of the family.

The unborn child or children of a pregnant women will be considered a family member(s) for the purposes of determining the occupancy standard for which family is eligible.

Students living away from the unit to attend school, but living in the assisted unit for a minimum of three months per year, will be considered a family member.

A child who is temporarily away from the home because of placement in court ordered foster care or the Department of Human Services’ Children in Need of Assistance (CINA) Program, is considered a member of the family, provided that there is evidence acceptable to DMMHA that such child will be returning to the home within 180 consecutive calendar days.

DMMHA will honor court ordered custody arrangements and may honor a notarized affidavit from one biological parent of a child when determining eligibility of other family members under
the age of 18 being added to the household (for example – grandmother obtaining custody of grandchild, sister obtaining custody of niece or nephew, etc.).

Adult household members who are listed on the pre-application but are not able to attend the full application appointment and sign the required documents (i.e. in prison, out of the Country for non-military reasons, etc.) will not be considered for purposes of determining dwelling unit size.

**Elderly Designated Manors: East View Manor, South View Manor, Highland Park Manor and Oak Park Manor**

The following chart outlines the allowable number of occupants per bedroom at East View Manor, South View Manor, Highland Park Manor and Oak Park Manor based on HUD guidelines and any deviation from this Policy shall be reviewed by the Director or his or her designee:

<table>
<thead>
<tr>
<th>BEDROOM SIZE</th>
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<th>MAXIMUM NUMBER OF PERSONS IN HOUSEHOLD</th>
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<tr>
<td>1</td>
<td>1</td>
<td>2</td>
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<td>2</td>
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<td>4</td>
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</tbody>
</table>

I. Adult Allocation:

A married couple (and/or a couple that is considered a stable family relationship as described in Chapter 7 of the ACO) will be allocated an efficiency unit or a one bedroom, dependent on unit availability at time of offer.

Adults of opposite gender (other than couples that are married or considered a stable family as described in Chapter 7 of the ACO) will be allocated separate bedrooms.

In instances in which there are two related, (age 18 or older) family members that are not either married or in a stable family relationship, as defined by Chapter 7 of the Plan, then each of those two members will be allocated a separate bedroom.

II. Child Allocation:

A biological parent and a child age of 5 (five) and younger will be allocated an efficiency unit or a one bedroom unit, dependent on unit availability at time of offer.
There shall not be more than one child with a single biological parent per efficiency unit or one bedroom unit.

Foster children shall be considered in determining dwelling unit size.

Two minor children of the same gender will be required to share a bedroom regardless of age.

Children of the opposite gender shall be required to share a bedroom until such time as the oldest child turns 6 (six) years of age. In determining the occupancy standard the DMMHA will permit the family to be allocated the additional bedroom if a child will turn the age required for the additional bedroom as stated in this section within 6 (six) months after lease up.

III. Eligibly as a family member:

A parent must have physical custody of a child under the age of 18 for at least 50% of the time (183 days or more per calendar year) for the DMMHA to consider the child as a member of the family.

The unborn child or children of a pregnant women will be considered a family member(s) for the purposes of determining the occupancy standard for which family is eligible.

Students living away from the unit to attend school, but living in the assisted unit for a minimum of three months per year, will be considered a family member.

A child who is temporarily away from the home because of placement in court ordered foster care or the Department of Human Services’ Children in Need of Assistance (CINA) Program, is considered a member of the family, provided that there is evidence acceptable to DMMHA that such child will be returning to the home within 180 consecutive calendar days.

DMMHA will honor court ordered custody arrangements and may honor a notarized affidavit from one biological parent of a child when determining eligibility of other family members under the age of 18 being added to the household (for example – grandmother obtaining custody of grandchild, sister obtaining custody of niece or nephew, etc.).

Adult household members who are listed on the pre-application but are not able to attend the full application appointment and sign the required documents (i.e. in prison, out of the Country for non-military reasons, etc.) will not be considered for purposes of determining dwelling unit size.

**Single Family Scattered Site Homes**
The following chart outlines the allowable number of occupants per bedroom at DMMHA Scattered Sites based on HUD guidelines and any deviation from this Policy shall be reviewed by the Director or his or her designee:

<table>
<thead>
<tr>
<th>BEDROOM SIZE</th>
<th>MINIMUM NUMBER OF PERSONS IN HOUSEHOLD</th>
<th>MAXIMUM NUMBER OF PERSONS IN HOUSEHOLD</th>
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<td>10</td>
</tr>
</tbody>
</table>

I. Adult Allocation:

A married couple (and/or a couple that is considered a stable family relationship as described in Chapter 7 of the ACO) will be allocated an efficiency unit or a one bedroom, dependent on unit availability at time of offer.

Adults of opposite gender (other than couples that are married or considered a stable family as described in Chapter 7 of the ACO) will be allocated separate bedrooms.

In instances in which there are two related, (age 18 or older) family members that are not either married or in a stable family relationship, as defined by Chapter 7 of the Plan, then each of those two members will be allocated a separate bedroom.

II. Child Allocation:

A biological parent and a child age of 5 (five) and younger will be allocated an efficiency unit or a one bedroom unit, dependent on unit availability at time of offer. There shall not be more than one child with a single biological parent per efficiency unit or one bedroom unit.

Foster children shall be considered in determining dwelling unit size.

Two minor children of the same gender will be required to share a bedroom regardless of age.

Children of the opposite gender shall be required to share a bedroom until such time as the oldest child turns 6 (six) years of age. In determining the occupancy standard the DMMHA will permit the family to be allocated the additional bedroom if a child will turn the age required for the additional bedroom as stated in this section within 6 (six) months after lease up.
III. Eligibly as a family member:

A parent must have physical custody of a child under the age of 18 for at least 50% of the time (183 days or more per calendar year) for the DMMHA to consider the child as a member of the family.

The unborn child or children of a pregnant women will be considered a family member(s) for the purposes of determining the occupancy standard for which family is eligible.

Students living away from the unit to attend school, but living in the assisted unit for a minimum of three months per year, will be considered a family member.

A child who is temporarily away from the home because of placement in court ordered foster care or the Department of Human Services’ Children in Need of Assistance (CINA) Program, is considered a member of the family, provided that there is evidence acceptable to DMMHA that such child will be returning to the home within 180 consecutive calendar days.

DMMHA will honor court ordered custody arrangements and may honor a notarized affidavit from one biological parent of a child when determining eligibility of other family members under the age of 18 being added to the household (for example – grandmother obtaining custody of grandchild, sister obtaining custody of niece or nephew, etc.).

Adult household members who are listed on the pre-application but are not able to attend the full application appointment and sign the required documents (i.e. in prison, out of the Country for non-military reasons, etc.) will not be considered for purposes of determining dwelling unit size.

5-I.C. EXCEPTIONS TO OCCUPANCY STANDARDS

The necessity for an exception to Occupancy Standards must be verified and documented. Requests for exceptions to Occupancy Standards must be in writing, presented to the Public Housing Administrator within ten business days of the DMMHA’s determination of appropriate unit size. The granting of an exception shall be at the discretion of the DMMHA.

The criteria and standards prescribed under Determination of Unit Size apply to all families applying for housing; however, reasonable exceptions to the standards listed above may be made in emergency situations, and in some cases, relationship, age, gender, health, or disability of family members may warrant assignment of a larger or smaller unit by DMMHA staff or at a Reasonable Accommodation request of the applicant family. Written approval of such cases will be made by the Public Housing Administrator or his/her designee.
PART II: UNIT OFFERS
24 CFR 1.4(b) (2) (ii); 24 CFR 960.208

5-II.A. OVERVIEW
In filling an actual or expected vacancy, the DMMHA must offer the dwelling unit to an applicant in the appropriate offer sequence. The DMMHA will offer the unit until it is accepted. This section describes the DMMHA’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 DMMHA’s policies for offering units with accessibility features.

5-II.B. NUMBER OF OFFERS
The first qualified applicant in sequence on the appropriate site based 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. Unit offers may be made in person, in writing or by phone from the DMMHA. Offers made by telephone or in person will be confirmed by letter.

If the applicant is on the waiting list for the Section 8 program or any other program administered by the DMMHA, refusal of a public housing unit will not affect placement on other lists.

5-II.C. TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL
An applicant must respond to, and accept or reject, the unit offer within five (5) business days from the date the offer is made regardless of which manner the DMMHA made the offer (in person, in writing, or by phone). If an applicant does not respond within five (5) business days, the application shall be deemed withdrawn and the applicant’s name will be removed from the waiting list.

5-II.D. REFUSALS OF UNIT OFFERS
Unit Refusal for Good Cause

Applicants may refuse to accept a unit offer for "good cause." There are two types of good cause.

1. When an applicant is willing to move but is unable to do so at the time of the unit offer due to a serious and/or unusual circumstance which is beyond the applicant’s control, and the applicant presents clear evidence which substantiates this to the DMMHA’s satisfaction. Examples include, but are not limited to:

(a) A doctor verifies that the applicant has just undergone major surgery and needs a period to recuperate;

(b) A court verifies that the applicant is serving on a jury which has been sequestered.
2. When an applicant demonstrates to the DMMHA’s satisfaction that acceptance of the offer would result in undue hardship to the applicant not related to consideration of race, creed, color, gender, gender identity, national origin or language. Examples of undue hardship include, but are not limited to:

   a) The family demonstrates to DMMHA’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. Due to an applicant’s choice of unit location through DMMHA’s site based waiting lists, this is applicable only if an applicant is on the Scattered Site waiting list.

   b) The family demonstrates to DMMHA’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. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

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

   d) 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. 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 DMMHA will require documentation of good cause for unit refusals.

**Unit Refusal without Good Cause**

When an applicant rejects the unit offer without good cause, the DMMHA will remove/retire the applicant from the site based waiting list that they refused, remove the applicant’s name from the waiting list and send notice to the family of such removal.

**Failure to Attend Leasing Appointments without Good Cause**

When an applicant fails to attend scheduled appointments to view apartments and/or sign lease documents, the DMMHA will retire the application, remove the applicant’s name from the waiting list and send notice to the family of such removal.
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 DMMHA must offer such units:

1) First, to a current resident of another unit of the same development, or other public housing development under the DMMHA’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

2) Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

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

When offering an accessible unit to an applicant not having a disability requiring the accessibility features of the unit, the DMMHA will require the applicant, as stated in the lease agreement, to agree 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.