

**HOUSING AUTHORITY OF NEW ORLEANS
BOARD OF COMMISSIONERS
REGULAR MEETING
October 25, 2022**

RESOLUTION NO. 2022-25

WHEREAS, the Code of Federal Regulations at 24 CFR Part 982.52 require the development of an Administrative Plan for the Housing Choice Voucher Program (HCVP); and,

WHEREAS, HANO has been provided the authority to implement individualized policies in the Administrative Plan to meet its local and regional needs; and

WHEREAS, HANO is required to establish subsidy standards that can be applied in a manner that is consistent for families of like size and composition; and

WHEREAS, several of HANO's Project Based Voucher program properties have faced challenges in filling four bedroom and larger units; and

WHEREAS, HANO is working diligently to address vacancies at Project Based Voucher program properties to ensure meaningful access to available affordable housing; and

WHEREAS, HANO believes that allowing families to be over-housed in larger sized Project Based Voucher program units will help families obtain affordable housing and properties meet their financial needs required to continue providing decent, safe, and sanitary affordable housing;

WHEREAS, HANO has a mechanism in place to ensure that if a family applies and is eligible for one of these larger sized units, the units will be made available to meet new applicants' needs;

THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby adopts HANO's policy changes to the HCVP Administrative Plan.

Executed this 25th day of October 2022.

APPROVAL



CAROL JOHNSON
CHAIRMAN, BOARD OF COMMISSIONERS



October 25, 2022

MEMORANDUM

To: Board of Commissioners
President Carol Johnson, Vice President Avery Foret, Commissioner Isabel Barrios, Commissioner Sharon Jasper, Commissioner Percy Manson, Commissioner Monika McKay, Commissioner Kim Piper, Commissioner Paul Richard, and Commissioner Jeffery Vappie

Through: Evette Hester
Executive Director

From: Nyssa LeBeau
Director, Housing Choice Voucher Program (HCVP)

RE: Policy Change to add an Option to Over-house Participant Families in Larger PBV Units to Address Vacancies and Encourage Lease-Up

As outlined in Department of Housing and Urban Development (HUD) regulations 24 CFR Part 982.402 Subsidy Standards, each Public Housing Authority must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and composition. The subsidy standards (also known as occupancy standards) must be applied consistently for all families of like size and composition; however, HANO has implemented rules that take into account nuances of age and gender of household members. HANO must also allow for reasonable accommodations for disability related reasons and will always allocate a live-in aide a separate bedroom. Even with HANO's subsidy standards being more generous than the common two heartbeats per room approach, it is often difficult for Project Based Voucher (PBV) program property owners and managers to find families that qualify for larger bedroom sizes, specifically four bedrooms and up.

As such, HANO is requesting that the Board of Commissioners allow HANO to add a new policy into its Administrative Plan to make reasonable exceptions for a PBV unit if the exception is justified by lack of eligible families to lease four bedroom units or larger unit size vacancies. This exception will only be permitted for turnover vacancies and not for initial lease up at a PBV property. The PBV owner must certify that a diligent effort to conduct outreach and select eligible families to fill these unit sizes was made and no eligible families were found. This exception may allow the family's determined unit size to be one less than the four bedroom unit or larger unit sizes. Any family that occupies a unit that is larger than the calculated size needed based on their family composition must sign a form detailing that if an eligible family is found who does qualify for that unit size, they will be required to relocate.

CHAPTER 6: OCCUPANCY STANDARDS

6.1 OVERVIEW

Occupancy standards ensure that units are occupied by families of the appropriate size. Occupancy standards describe the methodology and factors HANO uses to determine the unit size for which a family qualifies and includes the identification of the minimum and maximum number of household members for each unit size. Units must meet the applicable HQS space requirements.

When a family is determined to be eligible for the Housing Choice Voucher Program (HCVP), HANO ensures that the family fully understands the way the program operates and the family's obligations under the program through both an oral briefing and a briefing packet. Once the family is fully informed of the program's requirements, HANO issues the family a voucher according to occupancy standards for the size of the family.

6.2 OCCUPANCY STANDARDS

6.2.1 Determining Family Unit (Voucher) Size

24 CFR 982.402

For each family, HANO determines the appropriate number of bedrooms under HANO subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

This table is a can be used as a guideline to assist staff with applying occupancy standards. This table must be used in conjunction with the narrative policies included in the Occupancy Guidelines portion of this Plan and HUD's Maximum HQS Space Standards. For example a 4 person family consisting of a head of household, her 6 year old daughter and her 7 year old and 9 year old sons would not necessarily be provided with a 4 BR vouchers or a 2 BR Voucher as referenced in the table below. When the Occupancy Standards are factored in, this household would be eligible for a 3 BR voucher – one for the head of household, one for the daughter and one for the two sons.

<u>Number of Bedrooms</u>	<u>Min. Persons/Unit</u>	<u>Max. Persons/Unit</u>
0 BR	1	1
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5 BR	5	10
6 BR	6	12

The following requirements apply when HANO determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
- Generally, HANO will assign one bedroom for each two persons within the household, except for approved cases of reasonable accommodation or as approved through the guidelines listed below:
 - Persons of the opposite gender (other than spouses, and children under age 5) will be allocated separate bedrooms.

- Same gender adults of different generations may be allocated separate bedrooms. A generation is defined as 15 years.
- Adults and children of the same gender (except for in the case of a parental or legal guardianship relationship) with an age gap of at least 25 years will be allocated separate bedrooms.
- Parents and/or legal guardians will be required to share a bedroom with a child until the child is 5 years of age. Once a child reaches age five, the parent and/or legal guardian will be allocated a separate bedroom.
- Children shall be assigned a separate bedroom at the age of five if they are of a different gender. Once a child reaches age five, they cannot share a room with a child of an opposite gender for occupancy standard purposes, regardless of the age of the other child.
- Two children of the same gender share a bedroom.
- Single-person families will be allocated one bedroom.
- Live-in aides will be allocated a separate bedroom.
- No additional bedrooms shall be allocated for the family of a live-in aide.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A family that consists of a pregnant person (with no other persons) must be treated as a two-person family.
- Any live-in aide (approved by HANO to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size
- Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under HANO subsidy standards.

6.2.2 Exceptions to Occupancy Standards

24 CFR 982.402(b)(8)

HANO may grant an exception to its established occupancy standards if HANO determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. Reasons may include, but are not limited to:

- A need for an additional bedroom for medical equipment.
- A need for a separate bedroom for reasons related to a family member's disability, medical or health condition.

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor or health professional), unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

In the case of a request for exception as a reasonable accommodation, HANO will ask the resident to make the request a reasonable accommodation request form. However, HANO 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 voucher size must explain the need or justification for the larger sized unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source.

HANO will notify the family of its determination and the family of their right to request an informal hearing.

6.2.3 Occupancy Standards - Project-Based Voucher (PBV) Units

HANO applies the subsidy standards as outlined in this chapter for PBV units. The occupancy standards shall be applied consistently for all families of like size and composition; however, HANO may allow reasonable exceptions if justified by age, sex, health or disability. Such exceptions must be documented in the tenant's file. HANO also may allow reasonable exceptions for a PBV unit if the exception is justified by lack of eligible families to lease four bedroom units or larger unit size vacancies. This exception will only be permitted for turnover vacancies and not for initial lease up at a PBV property. The PBV owner must certify that a diligent effort to conduct outreach and select eligible families to fill these unit sizes was made and no eligible families were found. This exception may allow the family's determined unit size to be one less than the four bedroom units or larger unit sizes. Any family that occupies a unit that is larger than the calculated size needed based on their family composition must sign a form detailing that if an eligible family is found who does qualify for that unit size, they will be required to relocate.

6.2.4 Temporarily and Permanently Absent Family Members

Generally, an individual who is or is expected to be absent from the assisted apartment for less than 90 consecutive days is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted apartment for more than 90 consecutive days is considered permanently absent and is no longer a family member. Exceptions to this general policy are reviewed on a case by case basis.

6.2.5 Absent Students

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to HANO indicating that the student has established a separate household or the family declares that the student has established a separate household (See Chapter: Eligibility).

6.2.6 Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family. If a child has been placed in foster care, HANO will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member (see Chapter on Eligibility).

6.2.7 Individuals Confined for Medical Reasons

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

If there is a question about the status of a family member, HANO will request verification from a responsible medical professional and will use this determination. If the responsible medical professional cannot provide a determination, the person generally will be considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

6.2.8 Absent Family

24 CFR 982.312

If all family members are absent from a unit for more than 90 consecutive days per calendar year Housing Assistance payments will cease and the HAP contract and lease will terminate.

6.2.9 Family Composition

The composition of the assisted family residing in the unit must be approved by HANO. The family must promptly notify HANO in writing of the birth, adoption, or court-awarded custody of a child. The family must request HANO approval to add any other family member as an occupant of the unit.

- The request to add a family member must be submitted in writing and approved prior to the person