

Section 10.0 SUBSIDY STANDARDS

10.01 Determination of Family Unit (Voucher) Size

The LA will issue a voucher for a specific bedroom size, taking into consideration the family size and family composition, in determining the family's level of assistance. The subsidy standard provides for the smallest number of bedrooms needed without overcrowding and must be applied consistently for all families of like size and composition. **Any changes to the standard with a negative or adverse impact on the family shall take place at the second annual certification after the change.**

The following guidelines will be used to determine each family's unit size:

Zero Bedroom:

- HOH

One Bedroom:

- HOH
- HOH, spouse/cohabitant

Two Bedrooms:

- HOH, 1 child/adult
- HOH, 2 children/adults
- HOH, spouse/cohabitant, 1 child/adult
- HOH, spouse/cohabitant, 2 children/adults

Three Bedrooms:

- HOH, 3 children/adults
- HOH, 4 children/adults
- HOH, spouse/cohabitant, 3 children/adults
- HOH, spouse/cohabitant, 4 children/adults

Four Bedrooms:

- HOH, 5 children/adults
- HOH, 6 children/adults
- HOH, spouse/cohabitant, 5 children/adults
- HOH, spouse/cohabitant, 6 children/adults

Five Bedrooms:

- HOH, 7 children/adults
- HOH, 8 children/adults
- HOH, spouse/cohabitant, 7 children/adults
- HOH, spouse/cohabitant, 8 children/adults

The LA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the voucher. The LA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

All standards in this section relate to the number of bedrooms on the voucher, not the family's actual living arrangements.

The LA will assign one bedroom for the head of household and spouse/co-head/cohabitant/partner and an additional bedroom for each two persons within the household. In addition, the LA will also use the following guidelines for determining voucher size:

- Foster children will be included in determining unit size only if they remain in the unit for more than one month.
- If a live-in aide is approved, a separate bedroom must be provided for them. The live-in-aide will not be required to share a bedroom with another family member of the household. No additional bedrooms will be provided for the live-in-aide's family members.
- Space will be provided for a family member who is away at school but who lives with the family during school recesses.
- Space will be provided for a child whom has been removed but considered "temporarily" absent, even if the child is not considered a family member during the time they are absent as long as the family is able to provide documentation from the Department of Child and Family Services or a court order indicating the intention is to reunite the child with the family, at least every 6 months. There will be no reduction in subsidy standards.
- Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is stationed away in the military.

A single pregnant woman with no other family members must be treated as a two-person family.

The family unit size will be determined by the LA in accordance with the above guidelines and will determine the maximum rent subsidy for the family. At no time will a unit be approved if considered overcrowded (family is under-housed), however, with the exception of a PBV unit (See Section 25.08 of this Administrative Plan) a family issued a voucher may select a larger or smaller unit than the family's approved unit size. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size will determine the maximum subsidy.

Households may experience a change in the size of the number of bedrooms they are eligible to occupy or of the voucher size they are issued. These changes may be a result of changes in either the household's composition or the established subsidy standard.

The LA will grant exceptions to normal occupancy standards in accordance with the provisions in Section 10.02.

10.02 Reasonable Accommodations in Subsidy Standards

The LA will grant an exception upon request as a reasonable accommodation for persons with disabilities. When a Local Administrator is considering a larger voucher size on behalf of a reasonable accommodation request, the following procedures must be implemented:

1. The tenant must submit documentation to the LA verifying that the household member is in fact disabled. While a "diagnosis" is not required, there should be documentation in the file that provides substantiation of and is directly related to the person's disability. Proof of the disability and/or the disability-related need for the accommodation may be requested unless the disability and need are obvious or otherwise known. The LA must place a memo into the file documenting the amount of the increase and the justification of the use of a higher rent/payment standard.
2. Once the LA has obtained documentation that verifies the tenant's disability and connection to the accommodation, the LA should notify his/her Statewide Section 8 Program Representative. The letter should indicate that the LA has increased the voucher size, and state the month/date in which the increase will take effect. The Program Representative will maintain a copy for their file.

Circumstances may dictate a size larger than subsidy standards permit when persons cannot share a bedroom because of a need such as a verified medical or health reason or elderly persons or persons with disabilities who may require a live-in-aide.

10.03 Requests for Exceptions to Subsidy Standards

The family may request a voucher larger than indicated by the LA's subsidy standards. Such request must be made in writing. The request must explain the need or justification for a larger voucher. Documentation verifying the need or justification will be required as appropriate.

Subject to all program eligibility requirements and owner approval, the LA may issue a larger voucher only for the addition of a family member who is:

- 1) Married to, marries or is the partner/cohabitant of the head of household,
- 2) A parent or grandparent of the head of household/partner/cohabitant,
- 3) A child, grandchild or step-child of the head of household/partner/cohabitant, or,
- 4) In the legal custody of the head of household/partner/cohabitant

At its discretion, an LA may issue a larger voucher to the family due to extenuating circumstances. However, the LA must obtain documentation to substantiate the basis for the larger voucher and must submit their decision to their Program Representative.

10.04 Errors in Subsidy Standards

If the LA commits an error in the bedroom size designation, the family will be issued a voucher of the appropriate size.

10.05 Changes for Applicants

The voucher size is determined prior to the family's briefing by comparing the family composition to the established LA subsidy standards. If an applicant requires a change in voucher size, based upon established LA subsidy standards, the guidelines in Section 10.01 will apply.

10.06 Overcrowding (Under-Housed) Families

If a unit does not meet Housing Quality Standards (HQS) space standards due to an increase in family size (unit too small), the family must move to an appropriately sized unit, and if approved based upon established subsidy standards, the LA will issue a new voucher.

In order to continue with program assistance, the family will be required to locate appropriately sized housing, however, the LA will also notify the family of the circumstances under which an extension may be granted, such as:

- if a family with a disability is under-housed in an accessible unit;
- the LA and family (after documented attempts) have been unable to locate a unit within 180 days.

10.07 Under-Utilization (Over-Housed) in Enhanced Voucher Conversions

Unit size is determined by family composition. If the family is occupying a right-sized unit they are eligible for, they may remain as long as the unit passes HQS. If the family is under-utilizing the unit (that is, the unit is larger than a bedroom size determination made from Section 10 of this Administrative Plan), they must first be offered an available right sized unit within the same development. Should there not be one available within a reasonable timeframe, the family must be given a voucher to move to a correctly sized unit.

If the family refuses to move, the family rent share will be recalculated based on the payment standard for the right sized unit.

10.08 Ineligible Housing

The following types of housing are not assisted under the NYS HCR Housing Choice Voucher Program:

- a public housing or Indian housing unit;
- a unit receiving project-based assistance under a Section 8 program;

- nursing homes, board and care homes, or facilities providing continual psychiatric, medical or nursing services;
- college or other school dormitories;
- units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions;
- a unit occupied by its owner (this restriction does not apply to cooperatives or to assistance on behalf of a manufactured home owner leasing a manufactured home space); or
- a unit receiving any duplicative Federal, State, or local housing subsidy (this does not prohibit renting a unit that has a reduced rent because of a tax credit).

The LA will not approve a lease for any of the following special housing types, except as a reasonable accommodation for a family with disabilities and VASH tenant-based voucher holders as allowed in Section 3 of this Administrative Plan:

- Congregate housing;
- Group homes;
- Shared housing;
- Assisted living facilities; or
- Single room occupancy housing.