

## Chapter 5

### SUBSIDY STANDARDS

[24 CFR 982.54(d)(9)]

#### **INTRODUCTION**

HUD guidelines require that HOCs establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding. The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's National Standards for the Physical Inspection of Real Estate (NSPIRE). This Chapter explains the subsidy standards, which will be used to determine the voucher size (family unit size) for various sized families when they are selected from the wait list, as well as HOC's procedures when a family's size changes or a family selects a unit size that is different from their voucher.

#### **A. DETERMINING FAMILY UNIT (VOUCHER SIZE/SUBSIDY STANDARD)**

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

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

The unit size of the voucher remains the same as long as the household composition remains the same, regardless of the actual unit size rented.

Generally, HOC assigns bedrooms within the following guidelines:

- The single head of household is assigned one bedroom.
- The head of household with a spousal relationship or significant other is assigned one bedroom.
- Beyond the head of household, two persons regardless of age or gender, are assigned one bedroom.
- If approved through HOC's reasonable accommodation process, a live-in aide is provided an additional, separate bedroom. No additional bedrooms are provided for the live-in aide's family. If approved through HOC's reasonable accommodation process, persons with disabilities or with qualifying health issues may be provided a separate bedroom.

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- Foster children that will reside in the household for a period greater than 180 days, and that are of different genders and over the age of two, may be given separate bedrooms. Otherwise, remaining household members are assigned two persons per bedroom.
- A child (until age 23) who is away at school, but who lives with their family during school recesses, will remain in the household composition.
- Children in court awarded co-parenting cases will remain in the household composition if the children reside in the household at least 51 percent of the time.
- A household member on active military duty remains in the household composition.
- Single person households are allocated one bedroom.

## **B. EXCEPTIONS TO SUBSIDY STANDARDS**

HOC may grant exceptions from the subsidy standards if the head of household requests and HOC determines the exceptions are justified.

### **Request for Exceptions to Subsidy Standards**

#### **1. Increases to Voucher Size**

HOC will consider increases to the voucher size/subsidy standard previously provided to the household under the following circumstances:

- A live-in aide is required and approved through HOC's reasonable Accommodation procedures;
- If a current household member's health situation changes and a reasonable accommodation is requested and approved through HOC's procedures; or
- If a current household includes a person, or persons with disabilities and a reasonable accommodation is requested and approved through HOC's procedures.

HOC may increase the voucher size due to additions of household members through birth of a child (newborn) or adoption of a child by the head of household, marriage of the head of household if the spouse has minor children, or court-awarded custody of a minor child or dependent to the head of household or spouse (when custody is greater than 51 percent of the time), and/or foster care of children if they will be in the unit for a period greater than 180 days. HOC may increase the voucher size as an accommodation for an elderly relative (age 62 or older) of the head of household or spouse. The head of household must submit a written request regarding the addition of the elderly parent to the household. The request must show that the request results from an effort to provide medical assistance or improve the quality of life to the elderly relative. A birth or adopted child through the age of 21, that is a returning household member, is allowed to reside in the contract unit. However, the voucher size/subsidy standard is not increased and Housing Quality Standards are considered

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prior to HOC and landlord approval of this household addition. If the returning child through the age of 21 has a birth or adopted minor children, their presence also will not increase the voucher's size.

When a new family member is added due to birth or court awarded custody, and the family will need an increase in their voucher size as a result, HOC staff must wait to increase the Voucher Payment Standard (VPS) until the next reexamination.

HOC will not increase the voucher size if a spouse is added without children or dependents, whether through marriage or a domestic relationship.

## **2. Decreases to Voucher Size**

If a household's voucher size is downsized, HOC will allow the family up to 120 days at the time of an annual recertification or an interim action to relocate to a smaller unit. If the family is unsuccessful in locating a unit within the 120 days provided, the voucher payment standard is decreased to the appropriate voucher bedroom size.

If it is determined at the current annual recertification that the household no longer qualifies for a reasonable accommodation, such as a previously approved increased voucher size due to a live-in aide or disabilities, the voucher size is decreased within 120 days or at next annual recertification.

## **Changes for Participants**

HOC must approve all members of the voucher household residing in a given unit if there are any changes in household composition. Additionally, the head of household must obtain approval from both HOC and the landlord before any new member may reside in the unit.

If the head of household marries, the spouse must be determined eligible to participate in the program before residing in the unit. The exception is birth, adoption, or court awarded custody of a minor. These occurrences only require the head of household to notify HOC within 30 days of the event.

## **Under Housed and Over Housed Families**

If a unit does not meet NSPIRE space standards due to an HOC approved increase in the household's size, which is consistent with the policies described in this section, HOC will issue a new voucher of the appropriate size. HOC will allow the family up to 120 days to locate a new unit. In case of a decrease in the household size, HOC will issue a new voucher of the appropriate size during the annual recertification. If the household decrease occurs between annual recertification, the appropriate voucher size is issued at the next recertification.

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If the household has a requirement for an accessible unit and is under-housed, HOC may grant an exception to the NSPIRE space standards.

**C. UNIT SIZE SELECTED**

**Split Households during Program Participation**

When families or households currently receiving assistance split up, the voucher assistance will follow the children or dependents if assistance is required. Preference is given to the person with whom the children reside or who has custody of the children equal to at least 51 percent of the time, or to any disabled, elderly household member or victims of domestic violence. Recommendations from social service agencies or other qualified professionals (such as children’s or adult protective services) will be considered.

Documentation of these factors is the responsibility of the participating family members.

If there are no children or dependents in the household, the current head of household retains the voucher assistance.

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