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Project-Based Voucher and Enhanced Voucher Provisions on Under-Occupied Units

PHAs were permitted to adopt a waiver that enabled homeless¹ families to enter into initial lease agreements for under-occupied Project-Based Voucher (PBV) or Rental Assistance Demonstration (RAD) PBV units. An under-occupied unit is one that has more bedrooms than the family qualifies for under the PHA subsidy standards. Further, this waiver allowed for the continued occupancy of PBV and Enhanced Voucher (EV) families already under a lease for an under-occupied PBV, RAD PBV, or EV unit.

This section contains information applicable to the Project-based Voucher, RAD Project-based Voucher, and Enhanced Voucher programs.

HCV-15: Project-Based Voucher (PBV) and Enhanced Voucher (EV) Provisions on Under-Occupied Units

Period of Availability: May 4, 2021, to December 31, 2021

The following applies to homeless families that were allowed to initially lease an under-occupied PBV or RAD PBV unit, and to families that were allowed to remain in under-occupied PBV units (or RAD PBV units that the families leased after conversion):²

The family becomes subject to the requirement to occupy a unit that meets the correct occupancy standards for the family size no later than the end of the lease term following the expiration of this waiver. Therefore, PHAs must comply with 24 CFR 983.260 states in part that “The PHA policy on such continued housing assistance must be stated in the administrative plan and may be in the form of:

- (i) Project-based voucher assistance in an appropriate-size unit (in the same project or in another project);
- (ii) Other project-based housing assistance (e.g., by occupancy of a public housing unit);
- (iii) Tenant-based rental assistance under the voucher program; or

¹ Including, as described in PIH 2021-14, a homeless family referred under the HUD-VASH program, if applicable.

² Including, as described in PIH 2021-14, an eligible family whose current under-occupied unit has been subject to a conversion action and placed under a PBV HAP contract.

(iv) Other comparable public or private tenant-based assistance (e.g., under the HOME program).” offer families the opportunity to receive continued housing assistance in another unit for which they qualify under PHA subsidy standards prior to or on the date of lease expiration. If there is no end date to the lease (or the lease expires prior to or on December 31, 2021), the PHA must make the offer no later than December 31, 2021. The family may remain in the unit until a reasonable time determined by the PHA in accordance with its Administrative Plan and regulations (or until the expiration of the family’s tenant-based voucher, as applicable).

Example 1: the family’s lease renewal date is April 30, 2022. The PHA offers the family a tenant-based voucher on April 30, 2022. The tenant-based voucher expires on June 29, 2022. The family may remain in the under-occupied unit until June 29, 2022.

Example 2: the family’s lease has no end date. On December 31, 2021, the PHA offers the family another PBV unit of appropriate size. The PHA’s Administrative Plan states that the family must move within 60 calendar days of the offer (in this case, March 1, 2022). The family may remain in the under-occupied unit until March 1, 2022.

See 24 CFR §983.260 for more information, including the actions the PHA must take if the family does not move from the unit.

The following applies to a family that was allowed to remain in its under-occupied RAD PBV unit or EV unit, which the family was occupying at conversion:

The family becomes subject to the requirement - - as described in Notices H 2019-09/PIH 2019-23 and [PIH 2016-02](#), as applicable - - no later than the end of the lease term following the expiration of this waiver. Therefore, when an appropriately sized unit in the project becomes available at or after the end of the lease term (or December 31, 2021, if there is no end date to the lease or the lease expires prior to or on December 31, 2021), the family must move to that unit within a reasonable time.

The reasonable time is determined by the PHA in accordance with its Administrative Plan policies, and, for EV families, it cannot exceed 30 days.

Example 1: the family’s lease for its EV unit expires April 30, 2022. An appropriately sized unit becomes available at the project on September 25, 2022. The PHA has adopted 30 days as the reasonable timeframe by which the family must move. The family may remain in the under-occupied EV unit until October 25, 2022.

Example 2: the family’s RAD PBV lease has no end date. An appropriately sized unit becomes available at the project on January 1, 2022. The PHA has adopted 30 days as the reasonable

timeframe by which the family must move. The family may remain in the under-occupied RAD PBV unit until January 31, 2022.

See [Notices H 2019-09/PIH 2019-23](#) and [PIH 2016-02](#), as applicable, for more information, including the actions the PHA must take if the family does not move out of the unit.

WHAT THE PHAs CAN DO

Communicating early and often with participants who will be required to move when they are in a unit that is too large for their family size is the best remedy to reduce the normal stress associated with moving. While participant files will contain documentation that the family acknowledges the requirement to move, staff can have regular conversations to help the family understand the steps they may have to take for a successful move, including how to navigate living in a smaller unit. Ensuring that the new, smaller unit is in pristine condition will make the transition for the family easier.