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New York State Division of Housing and Community Renewal
25 Beaver Street
New York, NY 10004

HOUSING MANAGEMENT BUREAU MEMORANDUM #2008-B-14

To: All Housing Companies
Owners, Managing Agents and Site Managers

From: Robert Damico, Downstate Director
Joe Fryer, Upstate Director
Housing Management Bureau

Date: November 20, 2008

Subject: Revised Occupancy Standards
New York Codes, Rules and Regulations, Section 1727-2.8

The Division is in the process of revising section 1727-2.8 ("Occupancy Standards") of the New York Codes, Rules and Regulations. In the interim, in order to ensure legal compliance with current case law, apartment assignments should conform to the following occupancy chart, provided such assignment does not violate and is consistent with federal, state and local building, health, safety and fair housing laws:

Apartment Size	Household Size for Admission (Minimum-Maximum)
Studio:	1-2 persons
1 bedroom:	1-2 persons
2 bedroom:	2-4 persons
3 bedroom:	4-6 persons
4 bedroom:	6-8 persons

These revised occupancy standards, which reduce the minimum household size for one-, two-, three-, and four-bedroom apartments by one person, regardless of sex or familial status, are **effective immediately** and should be implemented in accordance with the attached instructions.

If you have any questions regarding this memorandum or the attached implementation instructions, please contact your assigned representative or Veda Ramos at (212) 480-7345.

Robert Damico

Joe Fryer

Instructions for Implementation of Housing Management Bureau Memorandum #2008-B-14 Revised Occupancy Standards, NYCRR Section 1727-2.8

Please review these instructions carefully and develop an implementation plan that incorporates the provisions that apply to your development. Written notification of the revised occupancy standards and how they will be implemented must be issued to **all current tenants** and **all active admission applicants** no later than January 1, 2009. To facilitate notification of admission applicants, please refer to the directions for generating canvass mailing labels on page 28 of your "Mitchell-Lama Automated Waiting List User Manual".

I. All Transfer Applicants & Admission Applicants on Waiting Lists Not Created by Lottery

Eligible active applicants in either of these categories who submit a written request for a larger apartment will be placed on the appropriate waiting list using their original application date to determine position. These applicants can opt to remain on the waiting list for the smaller apartment also; however, if they do, they must be reminded that they have only one right of refusal and that the refusal of a second apartment will result in removal from both waiting lists. The housing company will time and date stamp the request upon receipt and take the following steps.

1. Update the original application in the Automated Waiting List (AWL). If the applicant will accept either the smaller or larger apartment, the larger apartment should be added to the "Apartment Size (2nd choice)" field, and the applicant will appear on both waiting lists. If the applicant will only accept the larger apartment, the "Apartment Size (1st choice)" field should be changed to the larger apartment size, and the applicant will only appear on one waiting list.

2. Mail a printout of the updated "Application Summary" screen to the applicant along with an acknowledgement that the request was received and processed.

3. File the time and date stamped request in the applicant's folder along with a copy of the acknowledgement and the updated "Application Summary".

II Admission Applicants on Closed Waiting Lists Created by Lotteries

If it does not conflict with the housing company's current written policy regarding lottery waiting lists, an eligible active admission applicant in this category who submits a written request for a larger apartment will be placed on the applicable waiting list using the date the housing company receives the request to determine position and the original application will be inactivated. Lottery applicants cannot opt to be placed on two waiting lists. The housing company will time and date stamp the request upon receipt and take the following steps:

1. Add a new application record to the AWL:

   (a) Enter the date the request was received as the application date,
   (b) Cross reference the original application number in the "Application Date Comment" field, and
   (c) Copy all pertinent information from the original application record to the new record, including any apartment offerings and refusals.

2. Inactivate the original application record in the AWL:

   (a) Select "Application Withdrawn" for reason inactive,
   (b) Enter the date the request was received for "Date Inactive", and
   (c) Enter "Revised Occupancy Standards" and cross reference the new application number in the "Additional Comments" field.

3. Mail a printout of the new "Application Summary" screen to the applicant along with an acknowledgement that their request was received and processed.

4. File the time and date stamped request in the applicant's folder along with a copy of the acknowledgement and the updated "Application Summary".