



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:

Office Directors of Public Housing;
Regional Directors; Public Housing
Agencies.

Notice PIH 2021-05

Issued: January 15, 2021

Expires: This notice remains in effect until
amended, superseded or rescinded

Subject: Use of Shared Housing in the Housing Choice Voucher (HCV) Program

- 1. Applicability.** This notice applies to public housing agencies (PHAs) that administer Housing Choice Voucher (HCV) programs.¹
- 2. Purpose.** The Office of Public and Indian Housing (PIH) is issuing this notice in order to:
 - Remind PHAs that Shared Housing remains a permissible and viable option that may be made available to HCV participants.
 - Remind PHAs of the specific programmatic requirements related to Shared Housing for the HCV program.
- 3. Background.** HUD regulations on Shared Housing can be found in 24 CFR § 982.615 through 24 CFR § 982.618. Shared Housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. The unit may be a house or an apartment. There is a separate Housing Assistance Payment (HAP) contract and lease for each assisted family.
- 4. Shared Housing as a Viable Housing Option.** HCV participants may find this type of housing to be a useful alternative form of housing depending on their personal situation, local housing market conditions, and the unit location. Shared Housing can be a viable option for families seeking economical housing under various market conditions. Families in markets with tight rental conditions or with a prevalence of single-family housing, for example, may determine a shared housing living arrangement to be a useful way to secure affordable housing.

Shared housing can be offered in a variety of ways, including:

¹ The contents of this document, except when based on statutory or regulatory authority or law, do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

- **For-profit co-living** (such as a boarding house, single bedroom with common living room/kitchen/dining room) run by a private company.

If offered as a housing option, PHAs are encouraged to consider ways in which families may be assisted in finding shared housing, including:

- **For-profit shared housing matching** (such as roommates or single-family homes) and online sites which charge a fee for their matching services.
- **Non-profit shared housing** matching services.

If the PHA and the local community offer shared housing as an option for families with vouchers, the PHA is encouraged to include information about this housing possibility in the family's voucher briefing.

5. **PHA Plan Requirements.** The PHA's administrative plan must cover the PHA's policies on special housing types such as Shared Housing. PHAs may permit a family to use special housing types such as shared housing in accordance with requirements of the program under 24 CFR § 982.601(b)(1). PHAs are required to permit the use of any special housing types such as shared housing if needed as a reasonable accommodation so that the program is readily accessible and usable by persons with disabilities. 24 CFR § 982.601(b)(3).
6. **Local Considerations in Encouraging Shared Housing.** While shared housing can be a useful option for PHAs to encourage their HCV participants to consider, PHAs should be cognizant of potential local legal barriers to HCV participants using shared housing. Municipalities may have occupancy limits for the number of unrelated persons who may share a housing unit. Similarly, some local zoning codes for single family housing restrict occupancy in certain zoned areas to households whose family members are related by blood. These restrictions can create additional obstacles for shared housing. PHAs should be aware of the legal requirements in their service areas and work with their local jurisdictions to find solutions that encourage affordable housing and are consistent with the Fair Housing Act, Title VI, and other federal, state, and local fair housing laws. PHAs should inform HUD if they encounter barriers to shared housing that may conflict with fair housing laws.
7. **Occupancy Requirements.** Assisted families can share a unit with either HCV assisted persons or unassisted persons. The owner of the property may reside in the unit, but housing assistance may not be paid on their behalf. Additionally, under program regulations a resident owner cannot be related by blood or marriage to the assisted family. However, a PHA must grant exceptions in program policies where such exceptions are needed as a reasonable accommodation for a person with a disability. See Section 11 of this notice for more information on waiving this program regulation when it may be necessary as a reasonable accommodation. If approved by the PHA, a live-in aide may reside with the family to care for a person with disabilities. The PHA must (per 24 CFR § 982.615((b)(1))) approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with

disabilities in accordance with 24 CFR part 8. For more requirements on the approval or rejection of a live-in aide, see CFR § 982.316.

8. Housing Quality Standards (HQS). PHAs may not give approval to reside in Shared Housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets HQS. HQS requirements found in 24 CFR § 982.401 for the HCV program apply to shared housing, with additional requirements for facility standards, as well as the following standards for space and security in place of HQS:

- Facilities: Facilities available to the assisted family, whether shared or private (non-shared), must include (per 24 CFR § 982.618(c)) a living room, a bathroom, and food preparation and refuse disposal facilities.
- Space and Security: The entire unit must (per 24 CFR § 982.618(d)(1)) provide adequate space and security for all assisted and unassisted residents. The private, non-shared space for each assisted family must (per 24 CFR § 982.618(d)(2)(ii)) contain at least one bedroom for each two persons in the family. The number of bedrooms in the private, non-shared space of an assisted family must not (per 24 CFR § 982.618(d)(2)(ii)) be less than the family unit size. A 0-bedroom or 1-bedroom unit may not be used for shared housing.

9. Payment Standards and Utility Allowances. The payment standard for a family in Shared Housing (per 24 CFR § 982.617(c)) is the lower of the PHA's payment standard for the family unit size or the pro-rata share of the PHA's payment standard for the shared housing unit size. The pro-rata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private, non-shared space by the total number of bedrooms in the unit.

- a. The HAP for a family in shared housing is the lower of the payment standard minus the Total Tenant Payment (TTP) or the gross rent minus the TTP. The utility allowance for an assisted family living in shared housing is the pro-rata share of the utility allowance for the shared housing unit.

Determining Payment Standard in Shared Housing

Example: Household Includes Married Couple and 2-year old son
Shared housing unit size: bedrooms available to assisted family= 2

Total bedrooms in the unit: 3

2 Bedrooms for assisted family

÷ 3 Bedrooms in the unit

.667 pro-rata share

2 BR payment standard: \$1200

3 BR payment standard: \$1695

$\$1695 \times .667$ (pro-rata share) = \$1131

\$1131 is lower than the \$1200 payment standard for the 2 BR family unit size

\$1131 is the payment standard used to calculate the HAP

- 10. Rent Reasonableness.** The rents paid by participating families residing in Shared Housing are generally subject to applicable standards for determining rent reasonableness. The rent paid to the owner for the assisted family may not (per 24 CFR § 982.617(b)) exceed the pro-rata portion of the reasonable rent for the shared unit. For reasonable rent determination, the PHA may consider whether sanitary and food preparation areas are private (non-shared) or shared. When these facilities are private versus shared, the PHA may provide additional consideration when determining the reasonable rent.
- 11. Lease and HAP Contract.** For assistance in a shared housing unit, there is a separate HAP contract and lease required for each assisted family.
- 12. Equal Opportunity Requirements.** PHAs are reminded in administering shared housing to follow all applicable equal opportunity and nondiscrimination requirements at 24 CFR 982.53, including but not limited to Section 504 of the Rehabilitation Act (Section 504), the Fair Housing Act, and Title II of the Americans with Disabilities Act (ADA), which include, among other requirements, the obligation to grant reasonable accommodations that may be necessary for persons with disabilities. PHAs are also reminded that reasonable accommodation requests that require a waiver of HUD regulations must be approved by HUD. Questions concerning waiving program regulations related to granting reasonable accommodations with regard to shared housing must be sent to PIH headquarters.
- 13. Contact Information.** For further questions, please contact your local HUD field office.

/s/

Dominique Blom
General Deputy Assistant Secretary for
Public and Indian Housing