

TO:	CHAIR AND MEMBERS COMMUNITY SERVICES COMMITTEE MEETING ON SEPTEMBER 10, 2012
FROM:	LOUISE STEVENS DIRECTOR OF MUNICIPAL HOUSING COMMUNITY SERVICES DEPARTMENT
SUBJECT:	IMPLEMENTATION OF HOUSING SERVICES ACT LOCAL RULES AND STANDARDS - PHASE 1 & 2

RECOMMENDATION

That, on the recommendation of the Director of Municipal Housing, the following update report with regard to the implementation of the *Housing Services Act, 2011* BE RECEIVED for information and the attached local rules with regard to the administration of social housing within the City of London and Middlesex County BE APPROVED.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Community and Protective Services Committee

- | | |
|--------------------|------------------------------------------------------------------------------------------------------------------------------|
| June 24, 2002 | Local Rules for Social Housing Rent-Geared-To-Income Assistance |
| July 29, 2002 | Update on Local Rules for Social Housing Rent-Geared-To-Income Assistance |
| September 30, 2002 | Local Rules/Policies for Rent-Geared-To-Income Assistance for Coordinated Access/Centralized Waiting List for Social Housing |
| April 11, 2005 | Review of Local Rules for Social Housing Under the Social Housing Reform Act 2000 |
| April 27, 2009 | Review of Local Rules for Social Housing Under the Social Housing Reform Act 2000 |

Community Services Committee

- December 19, 2011 Housing Services Act

BACKGROUND

On January 1, 2012, the new *Housing Services Act (HSA)* replaces the *Social Housing Reform Act* as the legislation guiding the administration of transferred social housing programs in the Province of Ontario. Much of the detail of the HSA is set out in the regulations, which also came into effect on January 1, 2012.

The purpose of the HSA is:

- i. to provide for community based planning and delivery of housing and homelessness services with general provincial oversight and policy direction and;

- ii. to provide flexibility for service managers and housing providers while retaining requirements with respect to housing program that pre-date this Act and housing projects that are subject to those programs.

The HSA Regulations released to date are:

Regulation 367/11 - This Regulation is entitled "General" and, is the key Regulation for the City of London and social housing providers.

Regulation 368/11 - Designated Housing Projects

Regulation 369/11 - Subsidies for Part VII Housing projects

Regulation 370/11 - High Need Households and Household Income Limits

This is the most significant change for housing previously under the *Social Housing Reform Act* (SHRA) in Ontario since the Province transferred social housing responsibilities to municipal service managers, including the City of London over ten years ago.

Significant changes included:

1. **Local Rules & Standards** - The HSA incorporates some existing requirements but also introduces new requirements and the opportunity to establish local standards. Regulations are not yet available for rent-geared-to income (RGI) administration.
2. **Program Consolidation** - The HSA consolidates homelessness and housing programs to replace the current program-focused framework and provides municipal service managers with increased flexibility to meet local needs. The first phase seeks to consolidate the five homeless-related programs and funding by January 1, 2013.
3. **Housing & Homelessness Plans** - The requirement for a local ten (10) year Housing and Homelessness plan will create opportunities for consultation and collaboration to address both local needs and provincial interests. Development of the plan, which must be implemented by January 2014, will require a broad consultative process including key stakeholders and the community at large.

This report deals with the first point – Local Rules & Standards. Separate reports will be prepared regarding the consolidation of housing and homelessness programs and the local 10-year housing and homelessness plan as the work for these legislated changes unfolds.

Local Rules & Standards Update

Given the substantial nature of changes to local rules and standards that the City of London can make, the Housing Division is committed to supporting this priority through:

- i. Providing full consideration and stakeholder consultation and input prior to establishing local rules and standards.
- ii. Maintaining a respectful, cooperative and professional working relationship with our housing providers and support agencies.

Any decisions pertaining to municipal involvement in new housing policies or program development will be made by City Council including Local Rules following appropriate consultation through the Housing Division's normal review processes. Standards will be undertaken by Administration with appropriate communication with housing stakeholders.

There was, however, insufficient time to properly undertake appropriate stakeholder input and develop the required rules and requirements for January 1, 2012. As a result, the Housing Division adopted a three (3) phase approach to implement the new Act and Regulations.

Phase 1

In order to meet the deadline for all mandatory requirements, the Housing Division addressed immediate policy considerations regarding overhoused households, pursuit of income, and opportunities to comment through Housing Division Notice (HDN) 2011-168 dated November

17, 2011. The HDN maintained existing standards until such time as a full stakeholder consultation could be undertaken. This allowed adequate time to fully consider the impact on program delivery and identify any outstanding issues or concerns that should be addressed with the Province.

Amendments to existing policies to address all mandatory requirements that must be in place for January 1, 2012 were completed with the majority of the amendments being housekeeping to align the language in the policy document with the new requirements.

In order to maintain status quo until such time as there can be a full consultation to contemplate local delivery options and impacts, a review of any existing policies that fulfill the requirements of the new legislation as the standard was also completed.

Phase 2

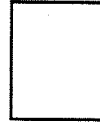
Phase 2 included a review of the local eligibility rules prescribed under O.Reg 367/11 sections 34 to 39. This included research, analysis and consultations with housing providers who provided meaningful stakeholder input through the Social Housing Operational Advisory Committee (SHOAC).

An overview of the local rules reviewed by SHOAC and administration has been provided below:

Local Rule	Summary of HSA Requirement	Changes	Impact of Changes
Maximum Household Income O.Reg 367/11, s 34	The HSA enables the City to establish a maximum household income limit, which would exclude applicants with income above a specified level. An income limit must be set at or above the prescribed Household Income Limits as defined for City of London in Ontario Regulation 370/11.	The provincial and local Household Income Limits for households applying for RGI assistance within the City of London service area are categorized by unit size as outlined below in Tables 1 and 2.	The changes in the High Need HILs will ensure that all households with incomes below accepted poverty measures will be eligible to for the City's Urgent or High Need Status. Maintaining the same HILs for both areas would not exclude applicants from applying for any location within the City of London or County of Middlesex
Maximum Household Assets O.Reg 367/11, s 35	The HSA enables the City to establish an asset limit of not less than \$20,000, which would exclude any household with assets over that limit from the waiting list and from eligibility for RGI. Assets include Registered Pension and Education Savings Plans and	The City has not established a local maximum asset limit to be eligible for RGI assistance. An asset limit is not recommended at this time	No impact



	<p>applicants' homes if they are currently in the ownership market</p>		
<p>Certain Convictions O.Reg 367/11, s 36</p>	<p>The HSA enables the City to establish an ineligibility rule for RGI assistance due to convictions related to fraudulently obtaining RGI assistance.</p> <p>Determinations of ineligibility limited to convictions for fraudulently obtaining RGI assistance under SHRA, HSA or the Criminal Code in the last two years.</p> <p>This was previously a mandatory provincial eligibility requirement. Rule no longer applies to findings of misrepresentation by the Landlord and Tenant Board (LTB)</p>	<p>The local rule adopted O. Reg 298/01, s. 7(1)(g) eligibility rule to maintain status quo regarding convictions by the courts, excluding LTB findings of misrepresentation</p>	<p>The exclusion of LTB findings of misrepresentation as a conviction that would make households ineligible for RGI assistance would allow household to continue to receive RGI assistance or be placed on the wait list that would previously been made ineligible.</p> <p>The number of any convictions related to fraudulently obtaining RGI assistance is minimal.</p>
<p>Maximum Absence from Unit O.Reg 367/11, s 37</p>	<p>The HSA enables the City to establish ineligibility criteria for RGI assistance for households absent from a unit for a specified period of time.</p> <p>The maximum number of consecutive days household may be away from unit must be at least 60 days. The maximum number of days a household may be away from their unit in a year must be at least 90 days. Absences from a unit for medical reasons cannot be considered absences for the purpose of ineligibility.</p>	<p>The previous local rule was amended to include the maximum number of days a household may be away from their unit in a year.</p> <p>Households may become ineligible for RGI assistance if they are absence from their unit more than 90 days in a given year.</p> <p>The City still maintains the right to use discretion in applying this rule if extenuating circumstances exist.</p>	<p>The local rule will eliminate a loop-hole in the system that previously allowed households to continue to receive RGI assistance while being absent from their unit for multiple and extended periods of time.</p>
<p>Ceasing to Meet</p>	<p>The HSA enables the</p>	<p>The local rule for</p>	<p>The changes</p>



<p>Occupancy Standards O.Reg 367/11, s 38</p>	<p>City to establish ineligibility criteria for RGI assistance if a household occupies a unit exceeding locally established occupancy standards.</p> <p>Household must remain eligible for RGI assistance for at least one year following receipt of notice from Service Manager.</p> <p>Household must remain eligible for RGI assistance if they are pursuing a transfer to a permissible unit in accordance with the process specified in the local rule or by the service manager.</p>	<p>overhoused households was amended to include the provision that a household does not cease to be eligible until at least a year after the household has been notified by the housing provider that they occupy a unit that is larger than the largest size permissible under the local occupancy standards.</p>	<p>streamline the administrative process and will allow households to remain in their home communities longer.</p>
<p>Refusal of Offers O.Reg 367/11, s 39</p>	<p>The HSA enables the City to establish ineligibility criteria for RGI assistance if a household refuses a specified number of offers of vacant units.</p> <p>At least three offers must be made to a household. Local rule may allow for circumstances in which a refusal is not counted.</p>	<p>The local rule adopted O. Reg 298/01, s. 39 refusal of three offers ineligibility to maintain status quo.</p> <p>The local rule included for extenuating circumstances when a refusal may not be counted.</p>	<p>No impact as units offered to a household must still be units for which they are eligible, and must be of the size and type for which the household indicated a preference and in a housing project the household selected.</p>
<p>Occupancy Standards O.Reg 367-11, s 42</p>	<p>The HSA requires that the City establish local occupancy standards for determining the appropriate size and type of unit for a household.</p> <p>Unit larger than otherwise permitted by occupancy standards must be allowed if reasonably necessary for medical reasons. Child</p>	<p>The previous local rule was amended account for situations that would permit a household to occupy a larger unit then they would otherwise be eligible for under the local occupancy standards.</p> <p>The local rule now permits a two person family to reside in a bachelor or one</p>	<p>The amendments align the occupancy standards for bachelor and one bedroom units with the <i>Ontario Human Rights Code</i>.</p> <p>The standards provide greater flexibility in matching household size while providing greater choice for households.</p>



	temporarily absent to attend school must be treated as part of the household. No longer requires full-time studies at school.	bedroom unit, if they request it. The local rule also clarifies the definition of a child in applying the occupancy standards and that a two person family may include a child of either gender	
--	-------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Table 1				
Household Income Limits	Municipality of Middlesex Centre, City of London, Municipality of Thames Centre		Rest of Service Area	
	Prescribed under O.Reg 370/11	Local HIL	Prescribed under O.Reg 370/11	Local HIL
Unit Size				
Bachelor unit	\$22,500	\$22,500	\$22,000	\$22,500
1-bedroom unit	\$29,000	\$29,000	\$26,500	\$29,000
2-bedroom unit	\$35,500	\$35,500	\$32,000	\$35,500
3-bedroom unit	\$43,500	\$43,500	\$36,500	\$43,500
4-bedroom unit or larger	\$54,500	\$54,500	\$43,000	\$54,500

Table 2				
High Need Household Income Limits	Municipality of Middlesex Centre, City of London, Municipality of Thames Centre		Rest of Service Area	
	Prescribed under O.Reg 370/11	Local HIL	Prescribed under O.Reg 370/11	Local HIL
Unit Size				
Bachelor unit	\$13,500	\$16,500	\$13,200	\$16,500
1-bedroom unit	\$17,400	\$20,400	\$15,900	\$20,400
2-bedroom unit	\$21,300	\$24,300	\$19,200	\$24,300
3-bedroom unit	\$26,100	\$29,200	\$21,900	\$29,200
4-bedroom unit or larger	\$32,700	\$35,700	\$25,800	\$35,700

The Canada Mortgage and Housing Corporation (CMHC) calculates Household Income Limits (HILs) under its Housing Agreement with the Province. HILs are used to determine eligibility for geared-to-income housing and also used in determining income limits for High Need households.

High Need Household Income Limits (HILs are before tax measures) for social housing were compared to the following measures of poverty: 2006 Before-Tax LICOs, 2006 Market Basket Measures (MBM), 2005 Before-Tax Low Income Measure and the Social Assistance Rates.

The comparison indicates that some individuals and families with incomes below the four poverty measures would not be eligible for social housing under the High Needs HILs as established by CMHC. This raised the concern that the High Need Household Income Limits are overly-restrictive.

For example:

- *A single person family size unit with an income of \$18,260 according to the LICOs¹ would not be eligible under the High Need HILs for either a bachelor or one bedroom unit.*
- *A household of two adults on a disability pension (ODSP) with a combined income of \$20,076 would be over the High Need HIL cut-off for one bedroom unit.*

The changes in the Household Income levels will ensure that all households with incomes below accepted poverty measures will be eligible for Urgent or High Need Status.

Phase 3

Under the new legislation, service managers have increased flexibility for establishing local rules and standards, some of which were previously prescribed under the SHRA. New areas of local discretion allow for the development of local rules relating to the waiting list and rent-geared-to-income eligibility along with local rules and standards for housing provider operations including property management, conflict of interest, and minimum number of Board meetings, leases and multi-year financial plans. The City of London is also required to have system in place for the selection of household for rent-geared-to-income assistance (HSA section 47) and reviewing certain decisions (HSA, Part X – Miscellaneous, sections 155 – 159).

As part of phase 3, the Housing Division will continue to work with housing stakeholders to develop new standards and local rules as may be required and conduct a broader public participation review of the local priority rules and system for reviewing certain decisions. It is expected that the review and consultation process will be completed by December 31, 2012.

Shortly after the implementation of the *Social Housing Reform Act* in 2001, the City entered into a Service Manager Administration Agreement with each of its social Housing Providers. These agreements require Housing Providers to place eligible applicants from the coordinated wait list for housing and determine eligibility for RGI subsidy in accordance with the *Social Housing Reform Act*. These agreements will be terminated and replaced with new agreements that include terms and conditions consistent with the requirements of the new legislation. It is anticipated that these agreements will be replaced on or before December 31, 2012, subject to the regulation with respect to rent-geared-to-income (RGI) being released.

In order to ensure full implementation of all aspects of the HSA by the relevant deadlines, staff has established an action plan and work flow that identifies key activities and milestones that must be achieved by the end of 2013. Additional reports and updates from Community Services outlining key milestones and recommended actions will follow for Council and Community Services Committee consideration.



¹ Only the LICO is currently being reported with a regularity and reliability that allows for trending and provincial comparisons. It is also widely used in the poverty research and therefore it has been used in examples provided.

Agenda Item #

Page #

FINANCIAL IMPACT

The changes to the Local Rules & Standards will create more opportunities for appropriate low income households. There is no financial impact on the existing social housing budget.

PREPARED BY:	RECOMMENDED BY:
	
JOSH BROWNE MANAGER, SOCIAL HOUSING ADMINISTRATION	LOUISE STEVENS DIRECTOR, MUNICIPAL HOUSING

cc. Social Housing Operational Advisory Committee (SHOAC)
London Housing Advisory Committee
County of Middlesex, Director of Social Services

Attachments:

- Appendix 1: Local Rule – Maximum Household Income
- Appendix 2: Local Rule – Maximum Household Assets
- Appendix 3: Local Rule – Certain Convictions
- Appendix 4: Local Rule – Maximum Absence from Unit
- Appendix 5: Local Rule – Ceasing to Meet Occupancy Standards
- Appendix 6: Local Rule – Refusal of Offers
- Appendix 7: Local Rule – Occupancy Standards

Appendix 1

Housing Division Notice

Date: mmmm/dd/yyyy

HDN#: 2012 - ##

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

✓
✓
✓
✓
✓

- Federal Non-Profit Housing Program
- Private Non-Profit Housing Program
- Co-operative Non-Profit Housing Program
- Municipal Non-Profit Housing Program (Pre-1986)
- Local Housing Corporation

Subject: LOCAL RULE – MAXIMUM HOUSEHOLD INCOME (Replaces HDN 2009-145)

1. PURPOSE:

To inform all housing stakeholders of the local rule, background and compliance standard under the new *Housing Services Act, 2011 (HSA)* and associated regulations related to the maximum household income under the selection system for rent-geared-to-income assistance.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* O.Reg. 367/11, s. 35, gives service managers the flexibility to decide whether or not to establish a local eligibility rule that sets a maximum income limit amount that a household can have and be eligible for a rent-geared-to-income unit in the service area. There is no requirement that these limits be established.

If income limits are set for the service area, the following provisions must be made:

- income of the household is the total income of the members of the household for a 12-month period specified by the service manager and the income of the members of the household is the sum of all payments made to, on behalf of, or for the benefit of, the members other than payments that are excluded under the local eligibility rule.
- The local eligibility rule may provide for different maximum incomes for units of different types and sizes and for units in different parts of the service manager's service area.
- The maximum income for a unit specified in the local eligibility rule must be at least the household income limit prescribed, under Ontario Regulation 370/11 (High Needs Households and Household Income Limits – Subsection 40 (4) of the Act) made under the Act, for such a unit.

3. LOCAL RULE:

That the following **High Needs Household Income Limits** as per O. Reg. 370/11, Schedule 1, Section 1, be applied.

<i>Area</i>	<i>Bachelor unit</i>	<i>1-bedroom unit</i>	<i>2-bedroom unit</i>	<i>3-bedroom unit</i>	<i>4-bedroom unit +</i>
Municipality of Middlesex Centre, City of London, Municipality of Thames Centre	\$16,500	\$20,400	\$24,300	\$29,200	\$35,700
Rest of the service area	\$16,500	\$20,400	\$24,300	\$29,200	\$35,700

That the following **Household Income Limits** as per O. Reg. 370/11, Schedule 2, Section 2, be applied:

<i>Area</i>	<i>Bachelor unit</i>	<i>1-bedroom unit</i>	<i>2-bedroom unit</i>	<i>3-bedroom unit</i>	<i>4-bedroom unit +</i>
Municipality of Middlesex Centre, City of London, Municipality of Thames Centre	\$22,500	\$29,000	\$35,500	\$43,500	\$54,500
Rest of the service area	\$22,500	\$29,000	\$35,500	\$43,500	\$54,500

Income of the household is the total income of the members of the household for a 12-month period prior to a household's applied date (for applicants) or the lease signing date and annually thereafter (for current tenants/members), whichever is applicable.

Income of the members of the household is the sum of all payments of any nature (including income derived from a household's assets) made to, on behalf of, or for the benefit of, the members other than payments excluded under the *Housing Services Act, 2011* and associate regulations as amended or successive legislation for the purposing of calculating rent-geared-to-income rent.

4. ACTION:

That Housing Providers implement the new Household Income Limits in accordance with their legislated service target level. The local Household Income Limits are to be used in completing Page C1 - Statistical Information of a Housing Providers Annual Information Return for fiscal years beginning in 2012.

Agenda Item #

Page #

5. AUTHORIZATION:

Original signed by

Date:

Louise Stevens
Director, Municipal Housing

Appendix 2

Housing Division Notice

Date: mmmm/dd/yyyy

HDN#: 2012 - ##

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

√
√
√
√
√

Federal Non-Profit Housing Program

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

Subject: LOCAL RULE – MAXIMUM HOUSEHOLD ASSETS (Replaces HDN 2002-25)**1. PURPOSE:**

To inform all housing stakeholders of the local rule, background and compliance standard under the new *Housing Services Act, 2011 (HSA)* and associated regulations related to the maximum household assets under the selection system for rent-gear-to-income assistance.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* O.Reg. 367/11, s. 35, gives service managers the flexibility to decide whether or not to establish a local eligibility rule that sets a maximum asset amount that a household can have and be eligible for a rent-gear-to-income unit in the service area. There is no requirement that these limits be established.

If asset limits were set for the service area, they would apply to the unit and may be different for each size unit. For example, the maximum income or asset limit for a one-bedroom unit may be a different amount than the maximum limit for a two or a three-bedroom unit. The rule would have the effect of making a household ineligible for a geared-to-income unit in the service area if the gross household assets exceed the limit set for the unit.

Service managers cannot set the asset limit to qualify for rent-gear-to-income below \$20,000 and the calculation of assets must not include prescribed assets.

3. LOCAL RULE:

No local maximum household asset limit is set for the purposes of determining eligibility for rent-gear-to-income assistance.

Agenda Item #

Page #

4. ACTION:

Housing Providers are required to consider income from assets in the total household income for purpose of rent-g geared-to-income calculation.

5. AUTHORIZATION:

Original signed by

Date:

Louise Stevens

Director, Municipal Housing

Appendix 3

Housing Division Notice

Date: mmmm/dd/yyyy

HDN#: 2012 - ##

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

√
√
√
√
√

Federal Non-Profit Housing Program

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

Subject: LOCAL RULE – CERTAIN CONVICTIONS (Replaces HDN 2002-26)**1. PURPOSE:**

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)* and associated regulations related to certain convictions.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* O.Reg. 367/11, s. 37, gives service managers the flexibility to establish an eligibility rule providing that a household is ineligible for rent-geared-to-income assistance if a member of the household has been convicted of certain offences. There is no requirement to set a local eligibility rule regarding convictions.

The determination of ineligibility is limited to convictions for the following offences:

- an offence under section 55 of the *Housing Service Act, 2011* or section 85 of the *Social Housing Reform Act, 2000*
- a crime under the *Criminal Code (Canada)* in relation to the receipt of rent-geared-to-income assistance.

The local eligibility rule must not provide for a household to be ineligible in respect of a conviction that occurred more than two years before the determination of ineligibility.

3. LOCAL RULE:

A household is ineligible for rent-geared-to-income if convicted of an offense under the *Housing Services Act, 2011*, *Social Housing Reform Act, 2000*, or a crime under the *Criminal Code (Canada)* related to the fraudulent receipt of rent-geared-to-income assistance.

Convicted households will be ineligible to apply for rent-geared-to-income assistance for a period of two (2) years from the date of conviction.

An individual who was, but is no longer, a member of the household convicted of such an offence or crime, may be eligible for rent-geared-to-income assistance if the service manager determines that,

- whether or not anyone else in the household knew the fraud was being committed or was able to prevent it; or
- a member of the household knew that the individual who was found to have made the misrepresentation was making it, but the member was not reasonably able to prevent the individual from making the misrepresentation

A member of the household has been convicted of such an offence or crime, may be eligible for rent-geared-to-income assistance if the service manager determines that,

- the period of time for which the household cannot reapply has expired (two years unless further extended by a local priority rule); or
- whether the household is a special priority household and the member was forced to make the misrepresentation by the abuser.

4. **ACTION:**

The local rule for Certain Convictions in determining initial and continued eligibility for rent-geared-to-income assistance be implemented by Housing Providers and the Housing Access Centre. All convictions under the *Housing Services Act, 2011*, *Social Housing Reform Act, 2000*, or the *Criminal Code (Canada)* related to the fraudulent receipt of rent-geared-to-income assistance shall be reported to the Housing Access Centre within thirty (30) days.

5. **AUTHORIZATION:**

Original signed by

Date:

Louise Stevens

Director, Municipal Housing

Appendix 4

Housing Division Notice

Date: mmmm/dd/yyyy

HDN#: 2012 -##

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

√
√
√
√
√

- Federal Non-Profit Housing Program
- Private Non-Profit Housing Program
- Co-operative Non-Profit Housing Program
- Municipal Non-Profit Housing Program (Pre-1986)
- Local Housing Corporation

Subject: LOCAL RULE – MAXIMUM ABSENCE FROM UNIT (Replaces HDN 2002-27)

1. PURPOSE:

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)* and associated regulations related to the maximum absence from a rent-gearred-to-income unit.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* O.Reg. 367/11, s. 37, gives service managers the flexibility to decide whether or not to set a maximum absence period from a unit for continued eligibility for rent-gearred-to-income assistance. A service manager may revise or change a maximum absence period from time to time. There is no requirement to set a local eligibility rule regarding absence.

If a service manager decides to establish a maximum absence period rule, O. Reg. 367/11 specifies the following limitations:

- The local eligibility rule may provide for a maximum number of consecutive days, for a maximum number of days in a year or for both.
- The maximum number of consecutive days specified in the local eligibility rule must be at least 60 consecutive days.
- The maximum number of days in a year specified in the local eligibility rule must be at least 90 days.
- The local eligibility rule must provide that a member of the household who is absent for medical reasons is deemed to not be absent.

3. LOCAL RULE:

A household receiving rent-gearred-to-income assistance ceases to be eligible for such assistance if **ALL** of the members of the household have been absent from the unit for at least **sixty (60) consecutive days** and/or **ninety (90) total days in a year**.

[Empty box for Agenda Item #]

[Empty box for Page #]

If a household has only one member and that member is absent from the unit for a period of time because of medical reasons, the member shall be deemed not to be absent from the unit during that period.

If a household has two or more members, one member is absent from the unit for a period of time because of medical reasons, and the others are absent from the unit for that period of time because they need to be accommodated elsewhere as a result of the absence of the first member, all the members of the household shall be deemed not to be absent from the unit during that period.

This does not apply with respect to an absence where the service manager has determined that extenuating circumstances exist considering the household's situation and/or risk related to a household member's personal safety or health.

4. ACTION:

Housing Providers are to implement the new local rule for Maximum Absence from a Unit in determining continued eligibility for rent-g geared-to-income assistance. Absences extending beyond the maximum limit other than for documented medical reasons are to be referred to the Housing Division for review.

5. AUTHORIZATION:

Original signed by

Date:

Louise Stevens
Director, Municipal Housing

Appendix 5

Housing Division Notice

Date: mmmm/dd/yyyy

HDN#: 2012 - ##

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

√
√
√
√
√

Federal Non-Profit Housing Program

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

Subject: LOCAL RULE – CEASING TO MEET OCCUPANCY STANDARDS (Replaces HDN 2011-165)

1. PURPOSE:

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)* and associated regulations related to ceasing to meet local occupancy standards.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* O.Reg 367/11 s. 38, establishes the service manager’s authority to make a local eligibility rule providing for a household to cease to be eligible for rent-gear-to-income assistance if the household occupies a unit that is larger than the largest size permissible under the service manager’s occupancy standards. There is no requirement that a local rule be established.

If a local rule is established for the service area, the following provisions must be made:

- i. The local eligibility rule must provide that a household does not cease to be eligible until at least a year after the household has been notified, by the service manager, that the household occupies a unit that is larger than the largest size permissible under the service manager’s occupancy standards.
- ii. The local eligibility rule must provide that the household does not cease to be eligible if the household is following the process, specified in the rule or by the service manager, to be transferred to a unit that is permissible under the service manager’s occupancy standards.

3. LOCAL RULE:

- i. The local occupancy standards set out a range of unit sizes for which rent-gear-to-income households may be eligible for. Under these local occupancy standards, the largest unit for which an rent-gear-to-income household is normally eligible has one bedroom for any two members of the household who are spouses or same-sex partners of each other, plus one bedroom for each additional member of the household. The smallest unit for which a rent-gear-

- to-income household is eligible has one bedroom for every two members of the household, plus an additional bedroom if there are an odd number of members in the household.
- ii. A provider must review that a rent-geared-to-income household is within the allowable range of occupancy standards at the time of offer, as part of the annual review process or if there has been a change in the size or composition of the household.
 - iii. A household is considered overhoused when they have fewer members living in the unit than the number established under the local occupancy standards.
 - iv. If the housing provider determines that a household occupies a rent-geared-to-income unit that is larger than the largest unit in respect of which the household is eligible to receive rent-geared-to-income assistance, the housing provider shall give the household written notice of that determination with a copy sent to the service manager.
 - v. A household does not cease to be eligible for rent-geared-to-income assistance until at least a year after the household has been notified, by the housing provider, that the household occupies a unit that is larger than the largest size permissible under the local occupancy standards.
 - vi. After one year of being notified that the household is overhoused, the household shall be placed on the housing provider's internal transfer list for a suitably sized unit (if available within the housing provider's portfolio) and in the selection system for rent-geared-to-income assistance.
 - vii. Overhoused households are required to select a minimum of five (5) housing preferences (not including their current housing location) by submitting a signed and dated Building Selection form within thirty (30) days following the one-year overhoused notification date.
 - viii. Overhoused households will be placed in the selection system for rent-geared-to-income assistance with an urgent transfer status based on the overhoused notification date.
 - ix. For each year the household remains overhoused, an additional 5 (five) housing preferences will be added to the household's application up to a maximum of 20 housing locations. Households may change their housing preferences at any time, provided that the minimum number of housing preferences are maintained. Overhoused households may be exempt from this requirement at the discretion of the service manager on a case-by-case basis if extenuating circumstances exist.
 - x. An overhoused household can refuse a maximum of three (3) offers of accommodation, after which the household will cease to qualify for rent-geared-to-income assistance. A refusal includes both offers made from the selection system for rent-geared-to-income assistance and a housing provider's internal transfer list. All internal refusals must be reported to the service manager.
 - xi. An overhoused household does not cease to be eligible for rent-geared-to-income assistance if the household is following the process to be transferred to a unit that is permissible under the local occupancy standards.

Agenda Item #

Page #

4. ACTION:

Housing providers are to follow this local policy for any tenants/members that become overhoused starting January 1, 2012 or later.

5. AUTHORIZATION:

Original signed by

Date:

Louise Stevens

Director, Municipal Housing

Appendix 6

Housing Division Notice

Date: mmmm/dd/yyyy

HDN#: 2012 - ##

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

√
√
√
√
√

Federal Non-Profit Housing Program

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

Subject: LOCAL RULE – REFUSAL OF OFFER**1. PURPOSE:**

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)* and associated regulations related to refusals of offers of units under the selection system for rent-geared-to-income assistance.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* O.Reg. 367/11, s. 39, gives service managers the option to create a local rule related to the maximum number of offers that a household can refuse before being deemed ineligible for rent-geared-to-income housing.

If a local rule is established, the HSA stipulates that the maximum number of offers cannot be less than three (3). Service managers may also provide for circumstances where a refusal is not considered or counted.

3. LOCAL RULE:

A household, other than a household that has been determined to be eligible for special needs housing, ceases to be eligible for rent-geared-to-income assistance if it has refused three offers of a rent-geared-to-income unit and,

- (a) it is on the centralized waiting list for rent-geared-to-income units; or
- (b) it has been placed on a housing provider's internal transfer list due to being overhoused under the local occupancy standards.

This applies with respect to the refusal of an offer only if the following are satisfied:

- The size of unit that is offered is a size for which the household has indicated a preference.
- The unit that is offered is a unit in respect of which the household would be eligible for rent-geared-to-income assistance.

- The unit that is offered is in a housing project for which the household has indicated a preference.

This does not apply with respect to the refusal of a bachelor unit by a household consisting of two individuals who are spouses of each other.

This does not apply with respect to a refusal by a household that is in temporary housing that is to be provided while one or more members of the household are receiving treatment or counselling or that is provided because the household is in need of emergency shelter.

This does not apply with respect to a refusal where the service manager has determined that extenuating circumstances exist considering the household's ability to move and/or risk related to a household member's personal safety or health.

4. ACTION:

Housing Providers are required to notify the Housing Access Centre of all refusals of offers within two (2) business days.

5. AUTHORIZATION:

Original signed by

Date:

Louise Stevens
Director, Municipal Housing

Appendix 7

Housing Division Notice

Date: mmmm/dd/yyyy

HDN#: 2012 - ##

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

√
√
√
√
√

Federal Non-Profit Housing Program

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

Subject: LOCAL RULE – OCCUPANCY STANDARDS (Replaces HDN 2002-26)

1. PURPOSE:

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)* and associated regulations related to local occupancy standards.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* establishes the service manager's authority to determine what size of unit a rent-gear-to-income household is eligible for, using what are known as occupancy standards. Under section 43 of the Act, a service manager shall establish occupancy standards for determining the size and type of unit permissible for a household receiving rent-gear-to-income assistance.

The occupancy standards must comply with the following prescribed requirements outlined in section 42 of O.Reg 367/11:

1. The standards must provide for the household to be permitted a larger unit than would otherwise be permitted if a larger unit is reasonably necessary due to a disability or medical condition of a member of the household.
2. The standards must treat a child of a member of a household as a member of the household, for the purposes of the occupancy standards, if the child,
 - i. is in attendance at a recognized educational institution and, while in attendance, does not live with the household,
 - ii. lives with the household while not attending that educational institution, and
 - iii. is dependent, in whole or in part, on the household for financial support.

For the purposes of subparagraph 2, "**recognized educational institution**" means any of the following or a similar institution outside Ontario:

- i. A school, as defined in the *Education Act*.
- ii. A university.
- iii. A college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.



- iv. A private career college, as defined in the *Private Career Colleges Act, 2005*.
- v. A private school, as defined in the *Education Act*, for which a notice of intention to operate has been submitted to the Ministry of Education in accordance with that Act.

For the purposes of applying the occupancy standards, a **“child”** is less than eighteen (18) years of age, unless the child meets the definition of a student as outlined in point (8) under Additional bedroom(s) section.

This does not change the definition of "child of the household" used when calculating RGI rent. The definition of a **“child of the household”** is a child of a member of the household unit who, lives in the household, does not have and has never had a spouse or same-sex partner; and is not the parent of an individual living in the household. There is no age limit for "child of the household".

The occupancy standards provides greater flexibility based on various criteria such as number of household members, age, gender, relationship, space for medical equipment and other factors. The local standards match household size with the appropriate sized unit while providing applicants with greater choice over the size of unit they will accept, within the range they are eligible for.

3. LOCAL RULE:

The **largest unit** a household is eligible for is a unit that has:

- a) one bedroom for any two members of the household who are spouses of each other or same-sex partners of each other;
- b) one bedroom for each additional member of the household; and
- c) any additional bedrooms as follows.

Additional bedroom(s):

1. An additional bedroom if one of the spouses or same-sex partners referred to in (a) requires a separate bedroom because of a disability or medical condition.
2. An additional bedroom if one of the children who would normally share a bedroom requires a separate bedroom because of a disability or medical condition.
3. An additional bedroom if the room is required to store equipment required by a member of the household because of a disability or medical condition.
4. An additional bedroom if the bedroom is required to accommodate an individual who is not a member of the household and who provides a member of the household with support services that are required because of the member's disability or medical condition.
5. An additional bedroom if a member of the household is pregnant.
6. An additional bedroom if a member of the household has joint custody over a child who is not a member of the household, the member is required to provide accommodation for the child, and the bedroom is required to accommodate the child.
7. An additional bedroom if, a member of the household has visiting rights with respect to a child who is not a member of the household, it is a condition of the member's visiting rights that the member must provide adequate accommodation for the child when the child stays overnight with the member, the child will stay overnight with the member frequently, and the bedroom is required to accommodate the child.
8. A household may continue to occupy a larger unit if it has a child who is a student regularly attending a recognized educational institution away from the household but who is financially dependent, in whole or in part, on the household for support and is living at home while not attending that educational institution.

An additional bedroom may be included only if the household requests it and the request is supported with proper documentation (eg. Legal custody agreement, Independent Living Assessment form, Request for Urgent Medical form, ultrasound, medical note, etc. or as requested by the service manager)

The **smallest unit** a household is eligible for is a unit that has:

- a) one bedroom for an individual or for every two members of the household who are spouses of each other or same sex-partner of each other; and
- b) an additional bedroom for each additional member of the household if there is an odd number of members in the household.

Two children of the same sex may share a bedroom. Children of the opposite sex, under age 5, may share a bedroom. The decision, whether to share or not, will be left to the applicant.

Exceptions to the Occupancy Standards

- a) The smallest size unit that a one-member household or two spouses would be eligible for, is a bachelor unit. However, a household does not have to accept a bachelor unit unless the household indicated that they are willing to live in a bachelor unit
- b) A single parent is eligible for a unit in which the parent shares a bedroom with a child, if the applicant requests it.
- c) If a household does not indicate any preference for a size unit, they are deemed to have selected the largest size unit for which the household is eligible.
- d) A household may choose to be underhoused as long as the resulting occupancy is in accordance with existing municipal by-laws. The maximum number of residents in a dwelling unit or lodging house shall not exceed one (1) person per 9.3 m² (100 ft²) of habitable floor space **as per City of London Property Standards By-law section 4.8.7 (Occupancy – Maximum)**
- e) Market rent households and special needs households (including accessible units) may not be subject to these standards so long as the resulting occupancy is in accordance with existing municipal by-laws or at the discretion of the service manager.

4. ACTION:

The occupancy standards in this Local Rule are effectively immediately. Allowing for the policy exception as noted, Housing Providers should review their own occupancy standards bylaws/policies to ensure compliance. Housing Providers must fill all future vacancies in accordance with this policy and review all current households to ensure compliance with this policy. Appropriate action should be taken for those households who are not in compliance with the occupancy standards.

5. AUTHORIZATION:

Original signed by

Date:

Louise Stevens

Director, Municipal Housing