

**DIRECTIVE**

**EFFECTIVE DATE: May 9, 2003**

**NUMBER: 2003-09**

The policies, procedures and County requirements in this Directive are to be implemented by housing providers that are funded under the following Programs, which are administered by the County:

Please note if your program is not checked, this Directive is not applicable to your project(s), and is for information purposes only.

✓	Federal/Provincial Non-Profit Housing Program		Rent Supplement - Commercial
✓	Ontario Non-Profit Housing Programs		Rent Supplement-Homelessness Initiative
✓	Federal/Provincial & Ontario Co-operative Housing Programs		Rent Supplement-OCHAP & CSHP
✓	Simcoe County Housing Corporation		

**SUBJECT: SELECTION OF HOUSEHOLDS FOR RENT-GEARED-TO-INCOME AND SPECIAL NEEDS HOUSING UNITS**

**BACKGROUND**

Part VI of the Social Housing Reform Act, 2000 (SHRA) states that provincial requirements must be prescribed relating to the selection of households by a housing provider to occupy vacant units in its housing projects. Ontario Regulation (O. Reg.) 339/01 prescribes those provincial requirements. This policy document describes the requirements set out in O. Reg. 339/01.

**POLICIES ON INTERNAL TRANSFERS AND SPECIAL NEEDS HOUSING**

Each housing provider must establish policies and procedures for internal transfers, in accordance with O. Reg. 339/01 sections 11 to 11.2 inclusive.

Each housing provider who provides special needs housing, as defined in the SHRA, must:

- adopt policies and procedures consistent with O. Reg. 298/01, section 45, the housing provider’s mandate and its targeting plan for the establishment and maintenance of a waiting list for households who require the type of special needs housing available in its housing project,
- accept applications for special needs housing from households who require the type of special needs housing available in the housing project, **whether or not the households require RGI assistance,**
- not impose a charge for accepting or processing an application for special needs housing.

A housing provider must provide a copy of its policies and procedures for internal transfers and special needs housing to the County of Simcoe (the County).

RENT-GEARED-TO-INCOME UNITS

A vacant unit is considered to be a rent-g geared-to-income (RGI) unit if

- a) No targeting plan has been established for the housing project in which the unit is located; or,
- b) The unit must be an RGI unit in order to satisfy the requirements of the targeting plan established for the housing project in which the unit is located.

**Other than special needs housing,** the following rules apply with respect to RGI units:

1. The housing provider shall offer the unit to households on the housing provider’s waiting list for internal transfers that are eligible for the unit under the County’s local occupancy standards, starting with the highest ranked household and continuing in the order in which the households are ranked on that list, until an offer is accepted.
2. If no household on the housing provider’s waiting list for internal transfers is eligible for the unit nor accepts the unit, the housing provider shall offer the unit to households on the subsidiary waiting list for the housing project who are eligible for the unit under the County’s local occupancy standards, starting with the highest ranked household and continuing in the order in which the households are ranked on the subsidiary waiting list, until an offer is accepted by a household.

MARKET TENANTS WHO NEED RGI ASSISTANCE

A market tenant in a housing project which is subject to Part V of the SHRA shall be included on the centralized waiting list for RGI assistance in the unit he/she occupies, if the County determines that he/she is eligible for RGI assistance and the unit the tenant occupies meets the local occupancy standards.

A housing provider shall select as an RGI unit the unit occupied by the highest ranked household on the subsidiary waiting list for the housing project that is a household referred to in the preceding sentence if the following circumstances apply:

1. There have been no vacant units in the housing project for at least one year.
2. The housing provider has no outstanding notices to vacate.
3. The number of households in the project that are receiving RGI assistance is less than the minimum number of RGI units specified in the targeting plan for the project.

### SPECIAL NEEDS HOUSING

A housing provider that provides special needs housing, as defined in the SHRA, shall select households for its special needs units in accordance with the following rules:

1. If the housing provider provides provincially-funded support services in respect of the unit and the unit has been modified to improve accessibility, the housing provider shall offer the unit to the highest ranked household on its special needs waiting list who requires both the accessibility modifications of the unit and the provincially-funded support services, **whether or not the household is eligible for RGI assistance.**
2. If the housing provider provides provincially-funded support services in respect of the unit and the unit has not been modified to improve accessibility, the housing provider shall offer the unit to the highest ranked household on its special needs waiting list who requires the provincially-funded support services, **whether or not the household is eligible for RGI assistance.**
3. If the unit has been modified to improve accessibility but the housing provider does not provide provincially-funded support services in respect of the unit, the housing provider shall offer the unit to the highest ranked household on its special needs waiting list that requires the accessibility modifications of the unit, **whether or not the household is eligible for RGI assistance.**

If the highest ranked household to whom a housing provider offers a unit under 1., 2., or 3. above does not accept the unit, the housing provider shall offer the unit to other households on its special needs waiting list who would otherwise qualify for the unit, starting with the next highest ranked household and continuing in the order in which the households are ranked on the special needs waiting list until an offer is accepted by a household.

If the highest ranked household to whom a housing provider offers a special needs unit wishes to receive RGI assistance, the household must complete an application for RGI

assistance, **which shall in some way indicate that the household is a special needs household** and the County shall determine whether or not the household is eligible for RGI assistance.

The Guide to Special Needs Housing produced by the Ministry of Municipal Affairs and Housing, and revised March 11, 2003, states on page 28 that ‘the eligibility requirements for RGI assistance are the same for special needs households as for other households with the exception of occupancy standards that restrict the size of unit for which a household is eligible. Subsection 73 (6) of the SHRA exempts special needs households from the provisions of the SHRA that govern occupancy standards for RGI households.

A household that applies for (or is receiving) both special needs housing and RGI assistance is not affected by the occupancy standards that govern other types of households receiving RGI assistance. This allows the supportive housing provider to house a special needs household in a unit that has the modifications or support services they require, without being restricted by the unit size requirements that apply to other types of RGI households.

However, if a household becomes ineligible for special needs housing but continues to receive RGI *assistance*, then the RGI occupancy standards would apply at that point.’

If a household which occupies special needs housing receives RGI assistance, the unit is deemed to be an RGI unit for the purposes of the targeting plan and the mandate for the housing project.

#### NOTICE OF DECISION

If a housing provider offers a unit to a household *which will receive RGI assistance in respect of the unit*, other than a household on the housing provider’s waiting list for internal transfers, the housing provider shall give the County notice in writing of the household’s decision to accept or refuse the unit. Such a notice must be given within 10 days after the household advises the housing provider of the household’s acceptance or refusal and must include the following information:

- a) The name and address of the housing provider.
- b) The name and address of the housing project and sufficient information to identify the unit.
- c) The name of the members of the household and sufficient information to enable the service manager to identify the members of the household who will reside in the unit or who would have resided in the unit if the household had not refused the unit.

## REFUSAL TO OFFER

1. A housing provider may refuse to offer a unit to a household if,
  - a) Selection of the household would be contrary to its mandate;
  - b) The housing provider has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfil the obligation to pay rent for the unit in the amount and at the times it is due;
  - c) The household does not agree to accept its responsibilities as a member of the housing provider, if the housing provider is a non-profit housing co-operative, or the housing provider has reasonable grounds to believe that the household will not accept or will be unable to accept those responsibilities;
  - d) In the case of a unit in which individuals will reside in a shared living situation, the housing provider has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation;
  - e) The housing provider has reasonable grounds to believe that the unit is not suitable for the household due to the physical characteristics of the unit in relation to the number, gender and ages of the members of the household; or
  - f) In the case of special needs housing, the level of service required by the household is significantly greater or significantly less than the level of service provided to a household in the unit.
2. A housing provider shall refuse to offer special needs housing to a household if the household is not eligible under O. Reg. 298/01, section 19 for special needs housing.
3. A housing provider who refuses to offer a unit to a household shall give the household written notice of the refusal. The notice must be given not more than 10 days after the housing provider offers the unit to another household. The notice must contain the reasons for the housing provider's refusal to offer the unit and set out the facts on which the housing provider relied in making its decision. The notice must set out the procedures established by the housing provider for the internal review of the housing provider's refusal to offer the unit to the household (see Directive 2002-03: Internal Review Process).
4. If a housing provider refuses to offer a unit to a household, the housing provider must maintain a written record of its decision, including a copy of the notice given to the household and the information used by the housing provider in making its decision to refuse to offer the unit to the household, for a period of at least 7 years after the day the notice of the decision is given to the household. The County may review the written record on reasonable notice and within normal business hours at any time within the 7 year period.

LEGISLATIVE REFERENCES

SHRA s. 93 (2)(d); O. Reg. 298/01, s. 35.1; O. Reg. 339/01, ss. 11, 11.1, 11.2, 13,14, 14.1, 16, 17, 18, 19.