

## SERVICE MANAGER DIRECTIVE 20-01

(Service Manager Directive 20-01 replaces Service Manager Directive 17-01)

### SUBJECT: LOCAL OCCUPANCY STANDARDS AND OVER HOUSED RULES

The policies and procedures in this Directive are to be implemented by the Centralized Wait List Administrator or by Housing Providers funded by the City of Ottawa for the programs checked below:

X	Public Housing Program
X	Rent Supplement Program (commercial)
X	Ontario Community Housing Assistance Program (OCHAP)
X	Community Sponsored Housing Program (CSHP)
X	Provincial Reformed ( <i>Provincial, Federal/Provincial Non-Profit</i> )
X	Provincial Reformed ( <i>Provincial Co-operative</i> )
	Limited Dividend Program
	Section 26/27
	Section 95 – Private
	Section 95 – Pre 86 MNP
	Pre-86 Urban Native Housing Program
	Post-85 Urban Native Housing Program
X	Centralized Wait List (CWL) Administrator

If your program is not checked, this Directive does not apply to your project(s).

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#### PURPOSE:

The purpose of this Directive is to communicate to housing providers and the CWL administrator, the City of Ottawa Local Occupancy Standards and Over Housed Rules effective January 1, 2020. This Directive replaces Directive 17-01 to incorporate provincial regulatory amendments that take effect on January 1, 2020. Directives are issued by the Service Manager to provide operational details for the application of the Local Rules approved by the Council Report.

#### LEGISLATIVE AUTHORITY:

Housing Services Act, 2011 sections 42, 43, 46, 48, 52 & 53.  
 O. Reg. 298/01 sections 26 to 28 as detailed on December 31, 2011.  
 O. Reg. 367/11 sections 32.2, 38, 42, 46, 47, 61  
 O. Reg. 318/19  
 September 13, 2017 Council Report ASC2017-CSS-GEN-0006

#### BACKGROUND:

As Service Manager under the *Housing Services Act, 2011 (HSA)*, the City has the ability and the responsibility to establish certain local policies, standards and practices, referred to as local rules, in order to administer, implement and distribute social housing resources, which include access to rent-geared-to-income (RGI) assistance in an equitable and consistent manner for prescribed RGI housing programs.

Local occupancy standards deal with matching household size to unit size by defining the largest and smallest sized units for which a household qualifies as measured by the number of bedrooms and based on composition (number and relationship of adults and children) of the household. When a

household occupies a unit that is larger than the largest size permissible, the household is considered “over housed”. This is usually the result of a change in the household’s composition. Section 38 of O. Reg 367/11 allows the Service Manager to establish a process for households to be transferred to a unit that is appropriate and permissible in size. The Province accords these households priority status to help ensure a transfer occurs in a timely manner.

Pursuant to Section 43 of the HSA, City Council adopted the provincial occupancy standards in 2002 as part of the report entitled *Social Housing Local Policies*. In the fall of 2008, Council reviewed and approved the continuation of the provincial occupancy standards as part of the report entitled *Evaluation of Local Policies in Social Housing*.

On September 13, 2017, Council again reviewed and approved the continuation of the provincial occupancy standards as part of the report entitled *Review of Local Rules and Priorities under the Housing Services Act, 2011*. In addition, Council approved new rules for households that have been deemed “over housed” and new rules for households that have a dependent child that resides in a household as part of a custody/access order.

On September 23, 2019, the Province of Ontario filed Ontario Regulation 318/19 which amended Ontario Regulation 367/11 under the *Housing Services Act, 2011*. The amendments included new provincial eligibility rules on refusal of offers, rules on household preferences for a housing project and changes to a Service Manager’s authority to make a local rule where a household ceases to meet occupancy standards. These amendments come into force on January 1, 2020.

The following directives have been updated in regard to Local Occupancy Standards and Over Housed Rules to incorporate the provincial regulatory changes that take effect on January 1, 2020.

## **DIRECTIVES:**

### **Local Occupancy Standards**

Local Occupancy Standards are rules associated with the size of a unit a particular household is eligible to occupy while in receipt of RGI assistance. The Service Manager adopted the provincial occupancy standards originally defined in Social Housing Reform Act (SHRA) O. Reg 298/01 subsections 26 to 28.

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. An additional bedroom if the households makes the request and meets one of the criteria in appendix “A”.

Section 28 of O. Reg 298/01 as at December 31, 2011 continues to be used for the purposes of defining if a household is under housed and the definition of the largest unit size established in SHRA O. Reg 298/01, section 27 continues to be used for the purposes of defining if a household is over housed.

Households may choose to be under housed as long as the housing provider agrees that the unit size is suitable for the household given the physical characteristics of the unit in relation to the number, gender and ages of the household members and as long as municipal occupancy standards are respected.

**Over Housed Households**

A household becomes over housed when it is no longer eligible for as many bedrooms in a unit as they once did as a result of a change to the household composition or additional bedroom eligibility. The eligible bedroom count is based on the *Housing Services Act, 2011* and the Local Occupancy Standards.

When a housing provider determines that an RGI household is “over housed”, it shall provide written notice to the household, as outlined in O. Reg 367/11, section 61.

Once the household has received written notice, the housing provider shall notify the Centralized Wait List (CWL), and the household shall be placed on the CWL within ten (10) business days of notification.

All RGI households deemed “over housed” shall indicate a preference for a minimum percentage of communities that have appropriately-sized units within the Service Manager area.

Until such time that a household indicates their preference for housing communities that meets the minimum percentage of required communities, the household preference shall be all housing communities that have appropriately-sized units within the Service Manager area.

The minimum number of housing community preferences increases the longer the household remains over housed as set out below. Failure of households to maintain the minimum percentage of communities on the CWL shall result in all housing communities that have appropriately-sized units with the Service Manager area being indicated as the preference.

*Table 1: Community Selection on the Centralized Wait List (CWL) by Over Housed Households*

<b>Community Selection on the Centralized Wait List (CWL) by Over Housed Households:</b>	
0-365 days (Year 1)	Households may choose to apply only for appropriately sized unit(s) within their current housing provider’s own communities on the CWL. If their current housing provider does not have the appropriately sized units within their own communities, the household must indicate a preference for a minimum of 10 communities that have appropriately sized units on the CWL.
366-729 days (Year 2)	All households must indicate a preference for a minimum of 30% of the communities that have appropriately sized units on the CWL.
After 730 days (Year 3 onwards)	All households must indicate a preference for a minimum of 50% of the communities that have appropriately sized units on the CWL.

**Valid Offer of Housing While Over Housed**

As per O. Reg 367/11 section 32.2, effective January 1, 2020, Rent-Geared-to-Income (RGI) households cease to be eligible for RGI assistance if they refuse a valid offer of housing. As such, households will only receive one (1) valid offer of housing.

Valid offers include those made by the current housing provider where the over housed household resides and those made by any other housing provider on the CWL. An offer is considered valid when it is an appropriate size unit and is a property that the household has indicated a preference on their

CWL application. Refer to *Service Manager Directive 20-02 Local Rent-Geared-to-Income Eligibility Rules* for a full definition and guideline for a 'valid offer'.

### **Loss of Eligibility for RGI Assistance While Over Housed**

As per the *Housing Services Act, 2011* an over housed household shall become ineligible for RGI assistance if the household:

- has been issued a Notice of Decision by a Housing Provider notifying the household that it is over housed; and
- has been over housed for at least one year since the Notice of Decision was issued and
- has refused one (1) valid offer of housing.

The Service Manager may determine that a household remains eligible for RGI assistance after the refusal of one (1) valid offer if it is satisfied there are extenuating circumstances<sup>2</sup>. This exception must be well documented, available for review and approved on a one-time only basis by the Service Manager.

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<sup>2</sup> Extenuating circumstances are unforeseen circumstances which were out of the control of the household, are unlikely to occur again and resulted in the household not being able to meet the requirement in order to remain eligible for RGI.

### **ACTION REQUIRED:**

Implement the Local Occupancy Standards and Over Housed Rules outlined in this Directive effective January 1, 2020.

Lisa Goodfellow  
Program Manager, Social Housing

Dated: December 30, 2019

**APPENDIX “A”  
Criteria to Request an Additional Bedroom**

A household is permitted to request a larger unit than would otherwise be permitted if one of the below criteria is met.

Eligibility and supporting documentation for an extra bedroom must be reviewed annually to ensure the eligibility is ongoing. Should a tenant/member household no longer meet the criteria for an additional bedroom, the household shall be notified by the Housing Provider that it is over housed and required to apply for a housing transfer to an appropriately sized unit. Should an applicant on the Centralized Wait List no longer meet the criteria for an additional bedroom, the household shall update their Wait List Housing Preferences with appropriately sized units.

*Table 2: Criteria for an additional bedroom*

<b>Type of Request</b>	<b>Guidelines for Verification</b>
<p><b>Spousal</b></p> <ul style="list-style-type: none"> <li>• A spouse has a disability or medical condition that makes it reasonably necessary to have a separate bedroom</li> <li>• an additional bedroom is not considered reasonably necessary for snoring, sleep apnea machines and/or related equipment, frequent nocturnal urination and restless leg syndrome</li> </ul>	<p>Verification Guidelines:</p> <ul style="list-style-type: none"> <li>• A written medical opinion from a licensed physician outlining the medical condition or disability along with an explanation of the need for an additional bedroom as a result of the medical condition</li> <li>• Completion of the <i>Request for Additional Bedroom Form</i>.</li> </ul>
<p>A member of the household has a disability or medical condition that requires:</p> <ul style="list-style-type: none"> <li>• A bedroom to store life sustaining medical equipment.</li> <li>• A bedroom to accommodate an individual who provides support services. The person cannot be a member of the household. There must be a formal written agreement demonstrating a professional relationship between the individuals.</li> </ul>	<p>Verification Guidelines:</p> <p>Medical</p> <ul style="list-style-type: none"> <li>• A written medical opinion from a licensed physician outlining the medical condition or disability along with an explanation of the life sustaining medical equipment that requires the need for an additional bedroom</li> <li>• Completion of the <i>Request for Additional Bedroom Form</i>.</li> </ul> <p>Support Services / Caregiver</p> <ul style="list-style-type: none"> <li>• An employment contract or notarized agreement detailing the necessary support services and professional relationship.</li> <li>• Completion of the <i>Request for Additional Bedroom Form</i>.</li> </ul>
<p align="center">Pregnancy</p>	<p align="center">Verification Guidelines:</p>

<ul style="list-style-type: none"> <li>• A member of the household is pregnant, and the household will be eligible for an additional bedroom for the child.</li> </ul>	<ul style="list-style-type: none"> <li>• A written document or letter from a medical professional verifying the pregnancy.</li> <li>• Completion of the <i>Request for Additional Bedroom Form</i>.</li> </ul>
<p><b>Joint Custody/Access of a Child</b></p> <p>A member of the household has a formal agreement for:</p> <ul style="list-style-type: none"> <li>○ joint custody of a child who is not a full-time member of the household; or</li> <li>○ visiting rights that includes frequent overnight access to a child who is not a full-time member of the household and the dependent child will reside with the household at least 50% of the time and the bedroom is required to accommodate the child.</li> </ul>	<p>Verification Guidelines:</p> <ul style="list-style-type: none"> <li>• A legal document such as court order or notarized written agreement that details the dependent child resides with the household at least 50% of the time.</li> <li>• Completion of the Request for Additional Bedroom Form.</li> </ul>