

SERVICE MANAGER DIRECTIVE 21-01

(Service Manager Directive 21-01 replaces Service Manager Directive 20-02 issued June 30, 2020)

SUBJECT: LOCAL RENT-GEARED-TO-INCOME ELIGIBILITY 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).

PURPOSE:

The purpose of this Directive is to communicate to Housing Providers and the CWL administrator, the City of Ottawa Local Rent-Geared-to-Income Eligibility Rules effective January 1, 2021. This Directive replaces Directive 20-02 (revised) issued on June 30, 2020, to incorporate provincial regulatory amendments that take effect on January 1, 2021. This Directive is also issued by the Service Manager to provide operational details for the application of the Local Rules approved by City Council.

LEGISLATIVE AUTHORITY:

Housing Services Act, 2011 sections 42, 44, 45, 50, 52, 53, 56 & 57.
 HSA O. Reg. 367/11 sections 23 to 38, 40 to 41, & 64.
 HSA O. Reg. 316/19 sections 11 & 12.
 HSA O. Reg. 317/19 section 2 & 3.
 HSA O. Reg. 318/19 sections 2, 4, 7 & 8.
 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, 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. City Council first established 56 Local Rules in 2002 pursuant to the *Social Housing Reform Act, 2000 (SHRA)*. These were referred to as Local Policies in the report entitled *Social Housing Local Policies*.

In the fall of 2008, Council reviewed the 56 Local Rules and revised them to 32 as part of the report entitled *Evaluation of Local Policies in Social Housing*.

In 2012, the SHRA was repealed and replaced with the HSA. The 32 Local Rules continued unaffected by the change in legislation.

On September 13, 2017, Council reviewed the 32 Local Rules and revised them to 26 in the report entitled *Review of Local Rules and Priorities under the Housing Services Act, 2011*. Most of the rules have not changed significantly from those approved in 2008, but rather have been clarified, merged and/or updated as permitted under the legislation.

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 took effect January 1, 2020.

On September 23, 2019 the Province of Ontario also filed Ontario Regulation 317/19 which amended Ontario Regulation 367/11 under the *Housing Services Act, 2011* and filed Ontario Regulation 316/19 which revoked Ontario Regulation 298/01 under the *Housing Services Act*. The amendments included new provincial eligibility rules. These amendments took effect on July 1, 2020.

On September 30, 2020 the Province of Ontario passed Bill 204, the *Helping Tenants and Small Businesses Act, 2020*, legislation that freezes rents at 2020 levels for most Ontario tenants for the full 2021 year. On November 30, 2020 the Province of Ontario filed amendments to Ontario Regulation 316/19 and Ontario Regulation 367/11 under the *Housing Services Act, 2011* to also freeze RGI rent for RGI households in 2021 as part of this provincial rent freeze legislation. These amendments come into force on January 1, 2021.

The following Directives have been updated regarding Local RGI Eligibility Rules to incorporate the provincial regulatory changes and associated local rules that take effect on January 1, 2021. Updated and new rules have been identified with a (*new*) notation.

DIRECTIVES:

Eligibility for RGI is determined in accordance with provincial and local (made by the Service Manager) eligibility rules. To capture the amendments made by the Province to O. Reg 316/19 and O. Reg 367/11, the updated provincial and ongoing local RGI eligibility rules approved by City Council in 2017 are outlined below:

Pursuit of Income: (O. Reg 367/11 s. 31)

A household ceases to be eligible for RGI assistance if a member of a RGI household is eligible to receive income of a type as set out in O. Reg 367/11, section 31(2), and the member has failed to make reasonable efforts to obtain the income within thirty-one (31) days of notice being issued to pursue such income.

Divestment of Residential Property: (O. Reg 367/11 s. 32)

Divestment of residential property shall be within 180 days from the first day of the month in which:

- a) A household receives RGI assistance; or
- b) A household takes ownership of a residential property, if the household is already in receipt of RGI assistance.

Housing Providers have the authority to extend the time for effecting the divestment period on a case-by-case basis, for such time periods as the Housing Provider considers appropriate. However, the housing provider must be satisfied that there are reasonable grounds to do so. This exception must be well documented and available for review by the Service Manager.

Maximum Gross Household Income Limits (Gross Limits): (O. Reg 367/11 s. 34)

Income of the household is the total income of the members of the household during a calendar year. The household income limits set out in HSA O. Reg. 370/11, Schedules 1 and 2, shall be applicable to the public housing portfolio, Rent Supplement Program and Federal projects with respect to RGI household selection. Household Income limits are not applicable to non-profit and cooperative housing providers with respect to RGI.

The list of excluded income producing and non-income producing assets shall be those set out in legislation.

Maximum Aggregate Assets Value of Household (Asset Limit): (O. Reg 367/11 s. 35)

There is no limit to the value of the assets of a household.

RGI Ineligibility Period for Certain Convictions: (O. Reg 367/11 s. 36)

The Service Manager has made a local rule as it relates to convictions. If a member of a household has been convicted of an offense under section 55 of the *HSA* (knowingly obtained, aided or abetted a household to receive RGI assistance for which it was not entitled) or a crime under the Criminal Code in relation to the receipt of RGI assistance within the last two years from the date of determining eligibility, the household is ineligible for RGI assistance.

Maximum Absence from a Unit: (O. Reg 367/11 s. 37)

Households are expected to occupy the unit for which they receive RGI assistance. The maximum period of time that all members / leaseholders of the household may be absent from their unit and therefore not be occupying their RGI unit is 60 consecutive days or a total of 90 cumulative days in a calendar year. A member of the household who is absent for medical reasons is deemed to not be absent.

Housing Providers have the authority to extend this absence period and make an exception to the Local Rule regarding maximum absence from a unit in extenuating circumstances¹. This extenuating circumstance must be well documented and available for review by the Service Manager.

Annual Verification of Income and Rent-Geared-to-Income Rent Payable: (O. Reg 316/19 s.10)

The Service Manager delegates, by way of service agreement, to Housing Providers the responsibility for income verification and rent calculation. Housing Providers shall verify Rent-Geared-to-Income rent payable every year for all households in receipt of RGI assistance.

¹ 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.

The Service Manager completes operational reviews/site visits to monitor delegated duties regarding income and rent payable verification.

The Service Manager may appoint an Eligibility Review Officer to monitor delegated duties regarding income and rent payable verification.

In-Year Review of Rent-Geared-to-Income Rent Payable (*new*): (O. Reg 316/19 s.11)

The Service Manager delegates, by way of service agreement, to Housing Providers the responsibility for in-year income verification and rent calculation.

Housing Providers shall verify Rent-Geared-to-Income rent payable once between the initial RGI calculation and the first annual review.

In accordance with O. Reg 316/19 s. 11, the Service Manager may, at its sole discretion and on the basis of a particular circumstance, review the RGI payable once between annual reviews (“an in-year review”). The Service Manager has chosen to exercise its discretion as it relates to certain circumstances and directs Housing Providers to perform an in-year review for the following circumstances as further detailed in the Regulation:

- a) The adjusted family net income (AFNI) of the household has decreased by at least twenty (20%) for the year since the initial RGI calculation and the first annual review or the last annual review (ss. 11(2)1 of O. Reg 316/19)
- b) A member of the household begins to or stops receiving financial assistance under the Ontario Works (OW) or Ontario Disability Support Program (ODSP) programs (ss. 11(2)5 of O. Reg 316/19);
- c) A member of the household’s income tax has been reassessed or additionally assessed (ss. 11(2)6 of O. Reg 316/19); or
- d) A permanent increase in monthly income for any member of a benefit unit receiving OW or ODSP financial assistance who is not a full-time student (ss. 11(2)7 of O. Reg 316/19).

Each circumstance set out above can be reviewed once in between annual reviews. The Service Manager, or its delegates, may at its sole discretion conduct more than one in-year review of circumstances b, c and d above if it is of the opinion there are extenuating circumstances¹.

Circumstance (a) cannot be reviewed a second time in between annual reviews, even if there are extenuating circumstances.

Rent Increases of Less than \$10: (O. Reg 316/19 s. 10(5), s.11(6))

An increase in RGI rent payable of less than \$10 shall not be required, except at the annual review of household composition, asset and income verification.

Determining and Reviewing RGI Eligibility: (O. Reg 367/11 s. 59)

Verification of household eligibility for RGI assistance is to be done once every twelve (12) months.

The Service Manager delegates, by way of service agreement, to the Centralized Wait List Administrator the responsibility of determining basic RGI eligibility, in accordance with RGI eligibility rules, on a yearly basis during the period that an applicant is on the Centralized Wait List.

The Service Manager delegates, by way of service agreement, to Housing Providers the responsibility of determining RGI eligibility, in accordance with RGI eligibility rules, at the point when a unit is offered to an applicant, on an ongoing and annual basis once the applicant is housed.

The Service Manager completes operational reviews/site visits to monitor delegated duties regarding RGI eligibility determination.

The Service Manager may appoint an Eligibility Review Officer to monitor delegated duties regarding RGI eligibility determination.

Failure to File Income Tax Returns: (O. Reg 367/11 s. 29.1)

A household ceases to be eligible for RGI assistance if a member of a RGI household, whose income is to be included in the calculation of the RGI payable by the household, has not filed a income tax return under the *Income Tax Act (Canada)* for the taxation year under review before the day of an annual review of the household's RGI rent commences.

The Service Manager has the discretion to determine that a household previously determined ineligible for RGI assistance for failure to file income tax returns becomes eligible once the income tax return is filed. This authority is not delegated.

The Service Manager, or its delegates, may determine that a household remains eligible for RGI assistance if the Service Manager is satisfied that there are extenuating circumstances¹.

Fraud Control:

The Service Manager conducts random audits of RGI household files to ensure household eligibility for RGI assistance. The Service Manager may perform these audits during operational reviews/site visits or may appoint an Eligibility Review Officer to conduct audits at any time.

Reporting Changes in Information (*new*): (O. Reg 367/11 s. 28)

To maintain eligibility, a household is required to notify their housing provider of certain changes or the occurrence of certain events. The legislated period to notify the housing provider is 30 days and may be extended by the Service Manager.

The Service Manager has established the following maximum periods for households to report changes in information:.

A household is required to report the following changes **within 31 days**:

- a) A member of the household begins to or stops receiving financial assistance under the Ontario Works (OW) or Ontario Disability Support Program (ODSP) programs;
- b) A permanent increase in monthly income for any member of a benefit unit receiving OW or ODSP financial assistance who is not a full-time student; and
- c) A member of the household's income tax has been reassessed or additionally assessed.

A household is required to report the following changes **within 365 days** or at the time of the household's annual review, whichever occurs first:

- a) A permanent change in the composition of the household; and
- b) A change in a member of the household's full-time student status.

As the Service Manager has chosen to not exercise its discretion to review these events (i.e. these changes are only required to be reported at annual review) RGI households shall not be required to report changes to household composition, full-time student status, employment or pension income (increases or decreases) between annual reviews.

Housing Providers have authority to make exceptions to the local rule on reporting changes in extenuating circumstances¹ that are well documented.

Community Preferences on the Centralized Wait List: (O. Reg 318/19 s. 7 & 8 - O. Reg 367/11 s. 46.1)

A household shall indicate their housing community preferences on the Centralized Wait List (CWL) for RGI assistance within the Service Manager area. The household may change or remove their housing community preferences while on the CWL.

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

Refusal of Offers of RGI Assistance: (O. Reg 318/19 s. 2 & 4 - O. Reg 367/11 s. 32.2)

A household ceases to be eligible for RGI assistance if the household refuses one (1) valid offer of housing. What constitutes a valid offer is set out in Appendix "A" to this Directive.

The Service Manager may determine that a household remains eligible for RGI assistance after the refusal of one (1) valid offer in extenuating circumstances¹. This exception must be well documented, available for review, and approved by the Service Manager.

Centralized Wait List System: (HSA s. 47)

The Centralized Wait List Administrator and Housing Providers shall utilize the wait list system established under the *Social Housing Reform Act, 2000*, and continued under the *Housing Services Act, 2011* when households request RGI assistance.

Review of Decisions Regarding RGI Eligibility: (HSA s. 155)

The Service Manager established a system for dealing with reviews requested under Section 156 of the HSA under *Service Manager Directive 10-02 Local Eligibility Rules*.

ACTION REQUIRED:

Implement all Local Rent Geared-to-Income Eligibility Rules outlined in this Directive effective January 1, 2021.

Lisa Goodfellow
Program Manager, Social Housing

Dated: December 31, 2020

APPENDIX “A”
Definition of a Valid Offer

An offer is considered valid when it is an appropriate size unit and is a property for which the household either indicated a preference on their CWL application, or if no/insufficient preferences were made, is one of all properties in the Service Manager’s area.

Valid Offer Definition	Offer Guidelines
<p>Valid Offer</p> <p>For the purpose of Rent-Geared-to-Income (RGI) assistance, an offer is considered valid for a household when it is:</p> <ul style="list-style-type: none"> • an appropriate size unit; • an appropriate mandate; • a property that the household chose as a preference on their CWL application or if the household did not choose any or sufficient preferences, then any property in the Service Manager area; • an offer that is made on or after January 1, 2020; and • offered following the Offer Guidelines as set out in Directive 20-02 Appendix A. <p>In the case of a housing co-operative, the offer is considered valid if it meets the criteria listed above, unless the housing co-operative does not approve the household for membership.</p> <p>The following shall not be considered reasons for refusing an offer or reasons why an offer was not valid/made:</p> <ul style="list-style-type: none"> • availability of on-site parking • inability to be contacted at the email and/or telephone number listed as the household primary or alternate contact information on their CWL application • special requirements that were not previously disclosed and documented in the file • not responding to an offer of an RGI unit. 	<p>Housing providers shall use the following process to offer an RGI unit to a household. This offer process occurs over a 3-business day (72 hour) period:</p> <ul style="list-style-type: none"> • Telephone #1– phone the household at the telephone number(s) identified on the household’s CWL application to advise of the offer. Leave a voice message when required; • Email – immediately following telephone #1 send an email to the email address(es) identified on the household’s CWL application to advise of the possible offer. The email may include details such as the community, unit details, amenities, and the available move in date. The email must include the timeframe that the household must contact the housing provider (within 3 business days – 72 hours) and the outcome of not responding; • Telephone #2 – phone the household again at least 1 business day (24 business hours) after the first telephone call if the household has not been in contact with the housing provider. Advise this is the final attempt that will be made to contact the household. Confirm the date and time the offer will close and the outcome of not responding. Leave a voice message when required; • Unit Viewing - within 1 business day (24 hours) of viewing the offered unit the household is required to advise the housing provider if they will be accepting the unit, if a household is informing the housing provider they will not accept the unit, the housing provider must explain the outcome and the

	<p>household can reconsider within the timeframe;</p> <ul style="list-style-type: none">• Written Letter – immediately following the offer process, issue a letter to the household outlining the outcome of the offer process (accept offer, refusal of offer, or no response to the offer). <p>Households shall:</p> <ul style="list-style-type: none">• keep their contact information on their CWL application up to date, including providing both a telephone number and email address to receive information about housing offers;• promptly provide documentation for special requirements such that appropriate preferences are made;• provide an alternate contact that is reachable by email and telephone if the household is unable to be contacted by email and by telephone;• respond to the housing provider within 3 business days (72 hours) of the email/1st telephone offer made by the housing provider;• within 1 business day (24 hours) of viewing the unit offered, advise the housing provider whether they will be accepting the unit;• contact the CWL administrator if they are unable to accept offers for a certain period of time, outlining the reason and the duration of the proposed offer suspension, after which the CWL administrator may at its sole discretion suspend the offer process for a period up to 60 consecutive and/or 90 cumulative days in a calendar year, providing the household with written confirmation of the offer suspension period.
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