

## Recommended Local Rules

### Category 1 – Local RGI Eligibility Rules (Rules 1-16)

Summary of recommended changes to the rent-geared-to-income<sup>1</sup> (RGI) eligibility local rules:

- **Rule 1:** Sets Household Income Limits (HIL) as required under the *Housing Services Act, 2011*, (HSA).
- **Rule 2:** Sets Asset Limits as required under the HSA, with no additions to the legislative list of exclusions.
- **Rule 3:** Sets the number of days a household in receipt of RGI assistance has to pursue income as required under the HSA.
- **Rule 8.2:** Extends the period of time an overhoused household has to select communities from 10 to 31 days.
- **Rule 8.4:** Provides, as per the HSA, that overhoused households may refuse offers to transfer to appropriately sized unit(s) during their first year of being overhoused, however, a valid offer that is received and refused after the household has been overhoused for a period of one (1) year will result in the loss of RGI assistance.
- **Rule 10.1:** Ontario Disability Support Program (ODSP) recipients are no longer eligible for a two-year annual review and have been removed from the list to reflect the legislative change.
- **Rule 12.1:** Sets the number of days households in receipt of RGI assistance have to report changes.
- **Rule 16:** Sets the changes and events a household in receipt of RGI assistance must report and the associated timeline to report them.

#### Maximum Household Income

1. That the Service Manager set maximum Household Income Limits (HIL) at the HIL prescribed under Ontario Regulation 370/11 of the *Housing Services Act, 2011*, currently as follows:

Bachelor	1-bedroom	2-bedroom	3-bedroom	4-bedroom
\$43,500	\$50,000	\$60,000	\$72,000	\$92,500

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<sup>1</sup> Rent Geared to Income (RGI) is a housing benefit generally calculated so the household pays 30% of their income toward the full market rent (except OW and ODSP when required to use “rent scales”) and the RGI subsidy makes up the difference between what the household is required to pay and the full market rent for the unit. The subsidy is paid directly to the landlord by the City

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The HIL shall be applicable to determining whether a household that is applying or waiting for RGI assistance is eligible and not in determining continued eligibility for RGI assistance for households currently in receipt of RGI.

The Service Manager continues not to make any additions to the list of excluded income identified in legislation.

### **Maximum Household Assets**

2. That the Service Manager set maximum Asset Limits at \$50,000 for a single person and \$75,000 for a couple without children or for a family with children.

The Asset Limits shall be applicable to determining whether a household that is applying or waiting for RGI assistance is eligible and in determining continued eligibility for RGI assistance for households currently in receipt of RGI assistance.

The Service Manager continues not to make any additions to the list of exclusions as identified in legislation.

### **Pursuit of Income**

3. A household ceases to be eligible for RGI assistance if a member of an 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**

4. That the Service Manager continues to not extend the provisions set out in the regulations requiring divestment of residential property within 180 days from the first day of the month in which a household receives RGI assistance.
5. That the Service Manager continue to allow housing providers 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, if the housing provider is satisfied that there are reasonable grounds to do so.

### **Maximum Absence from a Unit**

6. All members/leaseholders of the household cannot be absent from their unit for more than 60 consecutive days or a total of 90 cumulative days in a calendar year and still be eligible for RGI assistance.
7. That the Service Manager continue to allow housing providers to make exceptions to the local rule regarding maximum absence from a unit in extenuating circumstances<sup>2</sup> that are well documented.

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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

### **Overhoused**

- 8.1 A household becomes overhoused when it no longer qualifies for as many bedrooms in a unit as they once did as a result of a change to the household composition. The required bedroom count is based on the HSA and local Occupancy Standards.
- 8.2 Once it is determined that a household is overhoused and the household has been notified, they must make an application on the CWL within 31 days of notification. The minimum selection of units increases the longer the household remains overhoused as set out below in Schedule B.
- 8.3 Schedule B – Unit Selection by Overhoused Households:
  - 8.3.1 0-365 days (Year 1): Households may choose to apply only for appropriately sized unit(s) within their current housing provider's stock. If their current housing provider does not have the appropriately sized units within their stock, the household must select a minimum of 10 communities that have appropriately sized units.
  - 8.3.2 366-729 days (Year 2): Households must select a minimum of 30% of the communities that have appropriately sized units.
  - 8.3.3 After 730 days (Year 3 onwards): Households must select a minimum of 50% of the communities that have appropriately sized units.
- 8.4 Both types of offers, meaning those made by the current housing provider (internal) and those made through the CWL (external), will be counted as "offers". As per the HSA, overhoused households are able to refuse offers of housing during their first year of being overhoused but a valid offer that is received and refused after the household has been overhoused for a period of one (1) year will result in the loss of RGI assistance.

### **RGI Ineligibility Period**

9. That the Service Manager continue to not set a rule to extend the automatic two-year period of ineligibility for future RGI assistance 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 obtain RGI assistance for which it was not entitled) or a crime under the Criminal Code in relation to the receipt of RGI assistance.

### **Rent Increases of Less than \$10**

10. That an increase in RGI rent payable of less than \$10 is not required, except at the annual review.
  - 10.1 That housing providers be granted the discretionary authority to verify geared-to-income rent payable every second year for households that meet all of the following ongoing requirements:
    - 10.1.1 They are unemployed

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10.1.2 They have no dependents

10.1.3 They receive Old Age Security (OAS) or Guaranteed Income Supplement (GIS)

10.1.4 They receive only fixed income

### **Fraud Control**

11. That the Service Manager conduct random audits of RGI households to ensure household eligibility for RGI assistance.

### **Reporting Changes in Information**

12. A household is required to notify their housing provider of certain changes or the occurrence of certain events to maintain eligibility for RGI assistance. That the Service Manager extends the legislated period for reporting the following changes in information:

12.1 From 30 business days to 31 calendar days for households in receipt of RGI assistance when the following changes occur:

- a) A member of the household begins to or stops receiving financial assistance under Ontario Works (OW) or the Ontario Disability Support Program (ODSP);
- 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.

12.1.2 From 30 business days to 365 calendar days for households in receipt of RGI assistance when the following changes occur 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.

12.1.3 From 30 business days to 365 calendar days for households applying and/or on the waitlist for RGI assistance when changes occur or at the time of the household's annual review, whichever occurs first.

12.2 That the Service Manager allow housing providers to make exceptions to the local rule on reporting in exceptional (extenuating) circumstances that are well documented.

### **Determining RGI Eligibility**

13. That the Service Manager continue to delegate, by way of service agreement, the responsibility of determining basic RGI eligibility, on a yearly basis, during the period that an applicant is on the waiting list.

13.1 That the Service Manager continue to delegate, by way of a service agreement, the responsibility of determining RGI eligibility at the point when a unit is offered to an applicant and on an ongoing basis once the applicant is housed.

13.2 That the Service Manager continue to monitor delegated duties regarding RGI eligibility determination in accordance with service agreements.

### **Income Verification and Rent Calculation**

14. That the Service Manager continue to delegate, by way of a service agreement, the responsibility for income verification and rent calculation.

14.1 That the Service Manager continues to monitor delegated duties regarding income verification and rent calculation in accordance with service agreements.

### **Review of Decisions Regarding RGI Eligibility**

15. That the Service Manager continue to utilize the Council-approved review panel system when households request a review of a decision affecting their RGI assistance.

### **In-Year Review of RGI Payable**

16. In-year reviews must be completed for the following circumstances:

- 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
- b) A member of the household begins to or stops receiving financial assistance under Ontario Works (OW) or the Ontario Disability Support Program (ODSP)
- c) A member of the household's income tax has been reassessed or additionally assessed; 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.

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

## **Category 2 - Local Occupancy Standards (Rules 17-21)**

### **Local Occupancy Standards**

17. That the Service Manager implements the provincial occupancy standards required in the HSA combined with the permitted local rule that households may choose to be underhoused 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.
18. That the definition of the smallest unit size continues to be used for the purposes of defining if a household is underhoused.
19. That the definition of the largest unit size continues to be used for the purposes of defining if a household is overhoused.
20. That all housing providers continue to be encouraged to harmonize their occupancy standards to adhere to the Service Manager's standards.
21. For the purpose of a dependent child who may reside as part of a custody/access order with an applicant, the applicant must show proof (custody order/agreement, and if no order/agreement then an affidavit/statutory declaration made before a Commissioner of Oaths<sup>3</sup>) that the dependent child resides with the applicant at least 50% of the time to qualify for a bedroom.

## **Category 3 - Local Priority Rules (Rules 22 – 26.3)**

Summary of recommended changes regarding the Local Priority Rules:

- **Rule 24:** Updated number of offers from three (3) to one (1) as required under the HSA.

### **Priority Status**

22. That the Service Manager accord "Local Priority Access Status" (in addition to the Provincial Priorities for Special Provincial Priority (SPP) survivors of domestic violence or human trafficking and households who are overhoused) to the following households:

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<sup>3</sup> A Commissioner of Oaths is a person authorized to take an oath or solemn affirmation when someone signs an affidavit or a statutory declaration. A Commissioner does not certify that the statements being made in the affidavit or statutory declaration are true, but only certifies that an oath or solemn affirmation has been administered properly.

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- 22.1 In situ market rent households: Households residing with a prescribed social housing provider, that moved into their current unit as market tenants paying market rent, have continued to pay market rent since moving into the unit, meet local occupancy standards, have been living with the provider for a minimum of one year, and who, by no fault of their own, have experienced a significant loss of income since moving into their current unit may apply for RGI assistance for the current unit that they occupy. Eligible households will receive a priority ranking date that is the effective date of their application to the CWL. Market rent households applying for RGI assistance in either another project or another unit will not be eligible for this priority.
- 22.2 Displaced RGI households: Households who are displaced as a result of their housing unit no longer being available for RGI housing will receive priority for a new RGI placement.
- 22.3 Homeless households: Households who are confirmed as experiencing homelessness. For the purpose of this priority, “homeless” means households who are staying in a City of Ottawa shelter or who are living unsheltered.
- 22.4 Households with Life Threatening Medical Conditions: Households where a member has a terminal illness, or a life-threatening medical condition made worse by the current housing situation. The household must demonstrate through a licensed physician’s medical opinion that a move in housing will remove the life-threatening aspect of the condition.
- 22.5 Households requiring Urgent Safety: Households where a member does not qualify for SPP but is subject to current abuse from a family member or former partner or where a member of the household is subject to ongoing or extraordinary threat to personal safety by a non-family member and a change in housing will result in a significant increase in personal safety.
- 22.6 Graduate Households of Supportive Housing: Households who, as tenants of a supportive housing agency with onsite support have demonstrated, to the satisfaction of the supportive housing agency, that they are now capable of independent living with or without support.

### **Selection of Communities by Households**

23. A Household with a Local Priority Access Status must apply to the CWL for a minimum number of appropriately sized units as set out in Schedule A and B below.

- 23.1 Schedule A – Unit Selection by Local Priority Access Status

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Households, excluding Homeless Local Priority.

- 23.2 Upon receipt of Local Priority Access Status: households must select a minimum of 30% of the communities that have appropriately sized units.
- 23.3 After 365 days of having a Local Priority Access Status: Households must select a minimum of 50% of the communities that have appropriately sized units.
- 23.4 Schedule B – Unit Selection by Homeless Local Priority Access Status Households.
- 23.5 Upon receipt of Homeless Local Priority Access Status: households must select all communities that have appropriately sized units.

### **Number of Offers**

- 24. If a household does not accept the first valid RGI housing offer, they will lose their eligibility to remain on the Centralized Wait List for RGI housing.

### **Selection of Priority Households by Housing Providers**

- 25. Housing providers will be required to select a minimum of 1 in 5 RGI placements from the local priority access status list.
  - 25.1 It is also recognized that at any given point in time due to extenuating circumstances, there may be a need for housing providers to balance their communities and as such, a business case may be presented to the Service Manager for approval when a housing provider wishes to exempt a particular housing community, for a particular period of time, from the requirement of selecting households from the local priority access status list.
  - 25.2 Housing providers will not be apprised as to which particular local priority a household may be qualifying for.
  - 25.3 The Service Manager will determine provider compliance with priority group selections as part of the site visits/operational reviews.

## **Category 4 - Wait List System (Rules 26 - 26.3)**

### **Waiting List System**

- 26. That the Service Manager continue to utilize the wait list system established under the *Social Housing Reform Act, 2000*, and continued under the HSA, when households request RGI.
  - 26.1 That the Service Manager support the exploration of alternative approaches to wait list management, including determination of the merits of a “choice- based approach” and consideration for a small



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pilot for a limited test group to determine whether or not it is an effective approach for some or all of the wait lists. Any proposed pilot would be dependent upon the IHS CWL IT system being implemented and functioning at full capacity. A report will be brought to Council for consideration once the HCI system is functioning outlining the details of the pilot and any cost associated with the pilot.

- 26.2 That the Service Manager continue to be permitted to delegate, by way of a service agreement, the administration of the wait list system.
- 26.3 That the Service Manager continue to monitor delegated duties regarding the wait list system in accordance with the service agreement.

### **Category 5 - Service Manager Consents (Rule 27)**

#### **Authority to Consent**

- 27. That the Director, Housing Services, be permitted to perform the duty of Service Manager as it relates to providing consent, where appropriate, for the development, mortgaging or transferring of prescribed housing provider properties, as set out in the HSA.