

Recommended Local Rules

Category 1 – Local RGI Eligibility Rules (Rules 1-15)

Summary of recommended changes to the rent-geared-to-income (RGI) eligibility local rules:

- **Rule 6:** Adds a 90 days per year cumulative maximum absence from the unit as permitted under the HSA.
- **Rule 8:** Changes have been made to the housing stock selection requirements when households are over housed.
- **Rule 12.1:** Allows housing providers to make exceptions to the local rule on reporting in exceptional circumstances that are well documented.

Maximum Gross Household Income Limits (Gross Limits)

1. That the Service Manager continues to not establish a local eligibility rule on income limits at this time. The household income limits set out in HSA 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.

Maximum Aggregate Assets Value of Household (Asset Limit)

2. That the Service Manager continues to not set a local eligibility rule on asset limits.

Exclusion of Specified Payments for an Income Limit

3. That the Service Manager continues to not make any additions to the list of excluded assets identified in the legislation.

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 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 exceptional circumstances that are well documented.

8. Over Housed:

8.1. A household becomes over housed 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 over housed and the household has been notified, they must make an application on the CWL within 10 business days of notification. The minimum selection of units increases the longer the household remains over housed as set out below in Schedule B.

8.3. Schedule B – Unit Selection by Over Housed 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, households are able to refuse two offers but a refusal of the third offer will result in the loss of RGI assistance either at the end of the first year of being over housed or after the third offer is made, whichever occurs last.

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 be required, except at the annual review.

10.1. That housing providers be granted the discretionary authority to have tenants and co-op members only report an increase in income of less than \$33 per month at the next annual review instead of within 31 days of the increase

taking place and that when this authority is exercised, the rent adjustment would come into effect at the next annual review.

10.2. 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:

10.2.1. ODSP and OAS & GIS recipients who are not employed;

10.2.2. have no dependents; and

10.2.3. receive consistent payments.

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. That the Service Manager continue to extend the period for reporting changes in information from 30 business days to 31 calendar days for households in receipt of RGI assistance and 366 calendar days for applicants for RGI assistance.

12.1. That the Service Manager allow housing providers to make exceptions to the local rule on reporting in exceptional circumstances that are well documented.¹

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.

¹ Exceptional 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.

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.

Category 2 - Local Occupancy Standards (Rules 16-20)

Summary of recommended changes to the Local Occupancy Standards:

- **Rule 20:** Requires applicants to show proof that the dependent child resides with them at least 50% of the time to qualify for a bedroom.

Local Occupancy Standards

16. 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 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.
17. That the definition of the smallest unit size continues to be used for the purposes of defining if a household is under housed.
18. That the definition of the largest unit size continues to be used for the purposes of defining if a household is over housed.
19. That all housing providers continue to be encouraged to harmonize their occupancy standards to adhere to the Service Manager's standards.
20. 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 Oaths²) 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 21 – 24)

Summary of recommended changes regarding the Local Priority Rules:

- **Rule 21:** Clarifies that households who are eligible for one or more local priorities will be granted "local priority access status".

² 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.

- **Rule 21.1: to 21.6:** Briefly describes each priority to provide clarity.
- **Rule 22:** Requires a household with a local priority status to apply to the centralized waiting list (CWL) for a minimum number of appropriately sized units.
- **Rule 23:** Provides that if a household does not accept their first rent-geared-to-income (RGI)³ housing offer they will lose their local priority access status but will continue to be eligible to remain on the chronological wait list for RGI housing subject to the eligibility rules of the CWL. The refusal of an RGI housing offer will be counted as one of the three valid offers to which an applicant household on the CWL is allowed.
- **Rule 24:** Adjusts the housing provider priority selection ratio from 2 in 10 to 1 in 5.
- **Rule 24.2:** Details of the specific priority/priorities will be maintained internally.

Priority Status

21. That the Service Manager accord “local priority access status” (in addition to the Provincial Priorities for Special Provincial Priority (SPP) victims of domestic violence and households who are over housed) to the following households:

21.1. In situ market rent households: Households residing with a prescribed social housing provider, that are paying market rent, meet local occupancy standards, and have been living with the provider for a minimum of one year, 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.

21.2. 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.

21.3. 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.

21.4. Households with Life Threatening Medical Conditions: Households where a member has a terminal illness or a life threatening medical condition made

³ Rent Geared to Income (RGI): Is a housing benefit generally calculated so the household pays 30% of their gross 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.

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.

21.5. 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.

21.6. 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

22. 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.

22.1. Schedule A – Unit Selection by Local Priority Access Status Households, excluding Homeless Local Priority.

22.1.1. Upon receipt of local priority access status: households must select a minimum of 30% of the communities that have appropriate sized units.

22.1.2. After 365 days of having a local priority access status: Households must select a minimum of 50% of the communities that have appropriate sized units.

22.2. Schedule B – Unit Selection by Homeless Local Priority Access Status Households.

22.2.1. Upon receipt of homeless local priority access status: households must select all communities that have appropriate sized units.

Number of Offers

23. If a household does not accept the first RGI housing offer, they will lose their local priority access status but will continue to be eligible to remain on the chronological wait list for RGI housing subject to the eligibility rules of the CWL. The refusal of an RGI housing offer will be counted as one of the three valid offers to which an applicant household is allowed to receive while on the CWL.

Selection of Priority Households by Housing Providers

24. Housing providers will be required to select a minimum of 1 in 5 RGI placements from the priority access status list.

24.1. It is also recognized that at any given point in time due to extenuating circumstances, there may be as 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 priority list.

24.2. Housing providers will not be apprised as to which particular local priority a household may be qualifying for.

24.3. The Service Manager will determine provider compliance with priority group selections as part of the site visits/operational reviews.

Category 4 - Wait List System (Rule 25)

Summary of recommended changes to the Wait List System:

- **Rule 25.1:** Support the exploration of alternative approaches to wait list management. Determine the merits of a “choice-based approach, including consideration of a small choice-based approach pilot for a limited test group to determine whether or not it is an effective approach for the wait lists.

Waiting List System

25. 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.

25.1. 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 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 HCI 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.

25.2. That the Service Manager continue to be permitted to delegate, by way of a service agreement, the administration of the wait list system.

25.3. 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 26)

Summary of recommended changes to the consents required for housing providers to develop, mortgage or transfer of certain property subject to the HAS:

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- **Rule 26:** Effective January 2, 2017 the Ministry of Housing has amended the HSA so as to require consent from the Service Manager instead of the Ministry of Housing for certain land dealings. The Rule permits the Manager, Housing Services, to provide consent, where appropriate, on behalf of the Service Manager.

Authority to Consent

26. That the Manager, 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.