

# Program Instructions



May 7, 2002

N° 2002-08

Please note if your program is not checked, this Program Instruction is not applicable to your project(s)

- ✓ Public Housing
- ✓ Provincial Reform Housing Programs
- Municipal Non-Profit Housing Programs
- Federal Unilateral Housing Programs
- ✓ Rent Supplement - Commercial
- ✓ Rent Supplement - OCHAP & CSHP
- ✓ Rent Supplement Homelessness

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**Subject**                      **Reasonable Efforts to Pursue Specified Income**

**Authority**                      s. 75 of the *Social Housing Reform Act, 2000*, as amended;  
s. 7(3), 7(4), 7(5), 12(1)(c), 14, 15, 56-59 of the *Ontario Regulation 298/01*;  
s. 3.02 of the Service Agreement

**Effective Date**              Immediately

**Summary**                      The purpose of this policy is to ensure that households are pursuing certain types of income that may be available to them. A household continues to be eligible for rent-geared-to-income (RGI) assistance as long as the household has made reasonable efforts to obtain this specified income.

**Background**                      A housing provider must decide whether or not to require a member of a household to pursue certain forms of income.

For the purposes of this policy, there are only five (5) types of income that a housing provider can require a household to pursue. They are:

### Types of Income a Household is Required to Pursue

1. Basic financial assistance under the *Ontario Works Act*, 1997.
2. Support under the *Divorce Act* (Canada), the *Family Law Act* or the *Reciprocal Enforcement of Support Orders Act*.
3. Benefits under the *Employment Insurance Act* (Canada).
4. Any pension or other benefit that an individual who is 65 years of age or older is or may be entitled to receive from the Government of Ontario or the Government of Canada, other than a pension or other benefit that is available to an individual before the month in which the individual attains 65 years of age.

Examples of this type of income include: Guaranteed Income Supplement (GIS), the Allowance for 60 to 64 year-old spouses/common-law partners of GIS recipients, or the Allowance for survivor 60 to 64 year-old widowed spouses/common-law partners.

5. Support or maintenance for a member under the *Immigration Act* (Canada).

### Procedure

If a housing provider is of the opinion that a member of a household may be eligible to receive any of the five (5) types of income outlined above, and the member is not receiving such income, the housing provider must give the household **written notice**.

The **written notice** must:

- (a) State that the member may be eligible to receive a certain type of income;
- (b) Request that the member *apply* for that income;
- (c) Request that the member make *reasonable efforts* to do whatever is required for the purpose of obtaining a decision on the application and receiving that income;
- (d) State a *reasonable period of time* within which to inform the housing provider of the results of the application.
- (e) Provide the member with a contact telephone number or address to help them pursue the income.

Once a member receives written notice to pursue income, the member must apply for the income *and* must inform the housing provider of the results of their application within the period of time stipulated in the notice.

A housing provider needs to be assured that the member is acting in good faith and responding to requests for information from the appropriate office in an effort to secure eligibility for the specified income.

### **Reasonable Period of Time**

The following guidelines should be applied:

- The amount of time to give a member may not necessarily be the same for each type of income;
- Applicants for special priority housing are given appropriate consideration for circumstances of risk;
- If seeking support, searches for spouses whose whereabouts are unknown need to be completed;
- If seeking support, Form 2212, Declaration of Support and Maintenance, has been completed for every absent person who has a support obligation.

The Region is considering the use of our Family Support Workers to help households explore options for securing support.

### **Reasonable Efforts to Pursue Certain Types of Income**

A household is expected to complete the requirements that are established to pursue the income, except where those requirements are unreasonable or the member of the household provides a **reasonable excuse** for not performing a particular requirement.

The responsibility of the household to make reasonable efforts to obtain the specified income should be assessed in relation to the experience, skills or circumstances of the member.

The focus of the reasonableness test should be to determine the intent of the non-compliance (eg. was the non-compliance intentional or was it the result of a reasonable excuse?).

### **Reasonable Efforts Guidelines**

The following guidelines should assist a housing provider's decision regarding whether "reasonable efforts" have been made by a member:

- the effort in pursuing the income is based on reasonable efforts;
- eligibility for RGI depends on reasonable efforts in pursuing the income, not on *actual* receipt of the income;
- judgements about the household's compliance with the time-frame of the notice should be fair and consistently applied; and
- discretion may be applied for special priority households.

### **Guidelines for Reasonable Excuses**

Reasonable excuses may be determined by using these criteria as a guide:

- temporary illness;
- absence of appropriate child care;
- court appearance or incarceration (less than the maximum absence period of 90 days)
- change in a member's individual circumstances;
- failure of transportation arrangements and no reasonable alternative available; and
- inclement weather which affects mobility.

Please note that this is not a complete list of reasonable excuses.

### **Special Priority Households**

If a special priority member of a household believes that he or she will be at risk of being abused by the abusing individual if he or she attempts to obtain information or a document, a housing provider should not require the member to provide that information or document. Consult with your Program Co-ordinator prior to requesting the member to provide the information or document.

A grace period of three months must be granted to special priority applicants who may be eligible for support under the *Divorce Act* (Canada), the *Family Law Act* or the *Reciprocal Enforcement of Support Orders Act*.

## **Internal Review**

Once a housing provider issues a written notice to a household to pursue a certain form of income, there are two decisions that the housing provider can make:

- 1. Termination of household's RGI eligibility.** This can happen in two ways:
  - (a) a household chooses not to respond or fails to respond to the housing provider's request within the required period of time; or
  - (b) a household sends a response to the housing provider within the required period of time in the notice, however the housing provider concludes that reasonable efforts have not been made by the household to pursue the income.
- 2. Household continues to be eligible for RGI assistance** (at the same rate *or* a different amount of rent)

Both of these decisions are "reviewable decisions" which are subject to Internal Review. Please see Program Instruction No. 2002 – 05, dated May 3<sup>rd</sup>, 2002, for the Internal Review process.

## **Examples**

### **Demonstrating Reasonable Efforts to Pursue Income**

**At a minimum, members must give housing providers a copy of the *response* by the appropriate office to which the application was made to pursue the income.**

#### **Pensions**

If a senior citizen household has been requested to make reasonable efforts to pursue a pension, it normally takes six to eight weeks to arrive at eligibility decisions. A copy of the eligibility or non-eligibility letter should be obtained.

#### **Ontario Works**

Housing providers should obtain a copy of the letter stating a household's non-eligibility, or if it has been determined that the household is eligible for Ontario Works, then a copy of the household's benefit stub and drug card should be obtained.

#### **Employment Insurance**

Housing providers should obtain a copy of the Employment Insurance statement which stipulates the start date of payments and the amount to be paid or letter confirming disqualification or non-eligibility.

#### **Child Support**

The pursuit of this type of income may take quite some time. If a member of a household is represented by a lawyer, then a copy of a letter from their lawyer should be obtained stating that they are representing the member and the anticipated court date appearance. Then a copy of the court order should be obtained. If a member of a household is not represented by a lawyer, then it may take some time before a Family Support Worker is appointed.

## **Action Required**

It is necessary to become familiar with the circumstances of each household in order to determine whether or not to request that a household pursue certain forms of income. The only way to make this determination, is to make inquiries of a household's situation. For example, if it is a senior citizen household, then the household may or may not be eligible for certain pensions. If it is a household consisting of a single mother with children, then support payments may be in order.

“Reasonable Efforts” is a new policy area for both administrators of social housing and housing providers. Therefore, before terminating a household's RGI assistance, please review the case with your Program Co-ordinator.

Provide written notification of this policy to all current RGI assisted households and any future households.

Please contact your Program Co-ordinator if you have any questions.

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