

Program Instructions



This Program Instruction applies to the following:

- ✓ York Region Housing Access Unit
- ✓ HSA Part VII Housing Providers (Provincial Reform)
- ✓ Rent Supplement – Social Housing Rent Supplement Program
- ✓ Rent Supplement – Commercial and Strong Communities
- ✓ Former Federal Program Housing Providers (s. 15. 1/27, s. 56/ 1/95)
- ✓ Housing York
 - ✓ Public Housing
 - ✓ HSA Part VII

RENT-GEARED-TO-INCOME ELIGIBILITY: REFUSING AN OFFER OF HOUSING

This Program Instruction repeals Program Instruction #2007-06

Effective Date: January 1, 2021

Summary

This Program Instruction sets out the rules for applicants on York Region's subsidized housing wait list who refuse an offer of rent-geared-to-income (RGI) housing. It also sets out the policies and procedures for Housing Access Unit (HAU) and housing providers who deliver RGI in York Region for dealing with applicant refusals.

Applicants who refuse an offer of housing become ineligible for RGI and are removed from the subsidized housing wait list.

Community and Health Services

Housing Services

1-877-464-9675

TTY 1-866-512-6228

york.ca



Background

The Government of Ontario released amendments to *O. Reg. 367/11* under the *Housing Services Act, 2011* in September 2019. Section 39 has been revoked, which previously allowed Service Managers to make a local eligibility rule that a household would no longer be eligible for RGI assistance if it refused a minimum of three offers of RGI. Under a new section 32.2, a household is no longer eligible for RGI if it refuses one offer of RGI assistance in a unit that meets the Service Manager's occupancy standards and is in a housing project for which the household has expressed a preference.

This rule takes effect in York Region on January 1, 2021 and applies to all applicants on the subsidized housing wait list, including special priority applicants. The regulation permits Service Managers to consider extenuating circumstances under which a household would continue to be eligible for RGI after refusing an offer of housing.

Refusal of Offers

O. Reg. 367/11, s. 32.2 requires wait list applicants to accept the first offer of subsidized housing for a unit in a housing location in which they have expressed a preference. Preference refers to an expression of interest for a specific housing provider community, and not to characteristics or amenities of a unit or building.

A household will cease to qualify for RGI assistance and will be removed from the wait list if they refuse an offer made by a housing provider for a unit that meets the following conditions:

- The number of bedrooms in the unit meets the occupancy standards in the Service Manager's area
- The unit is in a location that has been selected by the household on their application

The refusal rule applies to all applicants on the wait list, including Special Priority applicants and applicants with in-situ priority. It does not apply to offers made with respect to the Portable Housing Benefit or the Canada-Ontario Housing Benefit.

To be considered a valid offer, the housing provider must inform the applicant that a unit is available in a building they have selected and advise them of the deadline to accept the unit, either through a direct conversation with the applicant, an email or a voice message. Housing providers must allow a minimum of two business days for the applicant to respond to the offer.

An applicant is considered to have refused the offer if they:

- Do not respond to the offer within the time frame specified by the housing provider
- Indicate that they do not like the building, unit, or unit type
- Indicate that they are currently unable to move
- Do not attend a scheduled appointment to view the unit
- Do not come to sign the lease

The housing provider completes the [Applicant Activity Report – Applicant Refused Offer of a Subsidized Unit](#) noting any details provided by the household to explain why the unit was refused. HAU will review the Applicant Activity Report to determine if the refusal will be counted. A refusal is a reviewable decision by HAU through the Decision Review process.

Household Preferences

Applicants on the subsidized housing wait list are responsible to select buildings in which they would like to live and to update their selections as required. HAU is responsible for reviewing applicants' selections, confirming they are eligible based on occupancy standards and building types (i.e. senior buildings), and adding applicants to the appropriate subsidiary wait lists.

- Applicants who applied before 2016 selected buildings at the time of application and remain on the wait list(s) for their selected location(s). HAU confirms building selections through the Move-In Ready Process when they are closer to an offer.
- Applicants, other than Special Priority applicants, who applied after 2016 select local municipalities at the time of application, and are added to the wait list for all buildings within their selected municipalities, provided they meet any other eligibility criteria and the building has units of an appropriate size. HAU will contact these applicants to request selections through the Move-In Ready Process when they are closer to an offer.
- Special Priority applicants select buildings at the time they are approved for priority status.
- Applicants who select the rent supplement program can choose their municipality but cannot select individual rent supplement buildings. The Housing Programs unit will provide applicants on the subsidiary rent supplement wait list with specific information about the building and unit at the time a unit becomes available. The offer will be withdrawn and not counted as a refusal if the applicant indicates they are not interested in the unit due to its location. As part of the offer, Housing Programs must inform the household that their application will be cancelled if they choose to view the unit, they do not attend the viewing, they cancel the booking, or they refuse the unit after viewing.

Once applicants have made building selections, they can update them at any time by contacting Access York or the HAU. Applicants, including Special Priority applicants, who choose not to select specific buildings will be placed on the wait list for all buildings in York Region for which they qualify, in accordance with *O. Reg. 367/11*, s. 46.1.

Extenuating Circumstances

In accordance with *O. Reg. 367/11*, s. 32.2(3), York Region may determine a household remains eligible for RGI if there are extenuating circumstances preventing them from accepting their first offer of housing. An applicant will remain eligible and their file will not be cancelled as a result of a refusal if HAU determines that the applicant meets one of the following criteria, either through the initial review of the Applicant Activity Report or the Decision Review process:

1. The applicant was in a medical facility at the time of offer

2. The unit is in a location that is no longer considered safe for a Special Priority applicant due to proximity of an abuser
3. Recent death of a family member (i.e. within three months), including applicants being out of the country for this reason at the time of offer and unable to respond within the time specified by the housing provider
4. The unit does not meet the applicant's accessibility needs
 - Applicants state their accessibility needs when applying or when their circumstances change by completing a Request for a Modified Accessible Unit and must provide medical documentation to support their requirements. For example, an applicant who uses a mobility device such as a walker or scooter would not be considered to have refused an offer for a unit that is accessed by stairs only
 - Requests that are preferences rather than a medical or accessibility need are not considered requirements, such as a preference for a unit with a balcony, even if the household has documented this preference in their application
5. The unit is in a building without available parking and the applicant has indicated they require parking for a primary vehicle
6. The unit is a bachelor unit and the applicant qualifies for either a one-bedroom unit or a bachelor unit

Should an applicant inform a housing provider that the offer was made in error (i.e. the applicant states the building was removed from their application prior to the offer) the housing provider will advise the applicant that this will still be recorded as a refusal. The applicant will have an opportunity to request a review of the decision.

HAU may consider additional extenuating circumstances on a limited basis through the Decision Review process. Applicants may be required to submit verification documents to demonstrate the above criteria are met, such as a doctor's note or travel itinerary.

COVID-19 Exception

The Region will not count a refusal if an applicant does not accept a unit because they are unable or unwilling to move during the COVID-19 pandemic. Applicants are not required to provide documentation of an underlying medical condition or other factor to qualify for this extenuating circumstance. This policy will be re-assessed at least every six months, or more frequently if appropriate, and will be updated as required.

Procedures

HOUSING PROVIDERS

This Program Instruction identifies minimum requirements for making offers that housing providers must follow to ensure the process is consistent and fair for all applicants. All housing providers have flexibility to implement their own offer and business processes as long as these requirements are met.

Co-operative housing providers may follow their internal membership processes but must have a documented policy or bylaw that outlines when and how applicants are reviewed by the membership committee.

Appendix A provides an Offer Process Job Aid to assist housing providers when making offers.

1. Telephone the applicant using the main contact number in the applicant file. If the applicant does not respond directly, leave a voicemail message outlining the details of the offer of housing and attempt to reach the applicant through any additional phone numbers, email address, and alternate contact.
 - a. Housing providers must make at least three attempts to reach the applicant.
2. If the applicant refuses the unit upon direct contact, or does not respond to a voicemail or email message within the specified timeframe, the Housing Provider will:
 - a. Clearly document the steps taken to contact the applicant and the reason for the refusal
 - b. Complete the [Applicant Activity Report – Applicant Refused Offer of a Subsidized Unit](#) form and forward it to HAU within seven business days
3. If the housing provider is unable to speak to the applicant directly or to leave a message, complete the [Applicants You Were Unable to Contact](#) form within seven business days

Housing providers are required to complete and submit Applicant Activity Reports within seven business days of the noted activity but are encouraged to submit the reports as soon as possible.

Additional Applicant Activity Reports include:

- [Housed Applicants Report](#) – for completion whenever a housing provider houses an applicant
- [Housing Provider Refused to Offer a Unit](#) – for completion when a housing provider refuses to offer a unit

HOUSING PROGRAMS — RENT SUPPLEMENT UNITS

Housing Programs is responsible to contact applicants who have selected rent supplement buildings when a unit becomes available. Housing Programs will follow the standard offer process. Appendix A provides an Offer Process Job Aid to assist Housing Programs when making offers.

1. When speaking to an applicant for a rent supplement building, Housing Programs will provide the following key information:
 - a. The address of the building and the location of the unit within the building
 - b. The type of building, including whether it has an elevator
 - c. Availability of parking
2. If the applicant states during this conversation that they are not interested in the unit due to its location, the offer will be considered “withdrawn” and not counted as a refusal

- a. Complete the [Applicant Activity Report – Applicant Refused an Offer of a Subsidized Unit](#) and forward to HAU within seven business days
 - b. Use Reason Code h (Other) and enter “Rent supplement offer withdrawn after applicant provided with building details – do not count refusal” under Additional Information and Notes
3. If Housing Programs is unable to speak to the applicant directly or to leave a message, complete the [Applicants You Were Unable to Contact](#) form within seven business days
 4. If the applicant indicates that they are interested in the unit, but either states they are no longer interested after viewing the unit, or does not attend the scheduled viewing or lease signing, it will be counted as a refusal
 - c. Complete the [Applicant Activity Report – Applicant Refused an Offer of a Subsidized Unit](#) with the appropriate reason code and forward it to HAU within seven business days
 - d. Extenuating circumstances that apply for applicants who refuse a unit in a community housing building also apply for applicants who refuse a rent supplement unit

HOUSING ACCESS UNIT

After receiving notice that an applicant has refused an offer of subsidized housing, HAU will review the Applicant Activity Report, determine if the refusal will be counted, and issue notice to the applicant within 30 days.

1. If, upon review, HAU determines that the refusal should not be counted, they will notify the applicant that they remain on the wait list.
2. If the applicant was deemed to have refused because they could not be contacted, HAU will review available contact information and attempt to update it.
 - a. If HAU is unable to locate the applicant and update their contact information, the application will be cancelled.
 - b. If the applicant is located, their contact information will be updated, and the refusal will not be counted.
3. If HAU determines that the refusal will be counted, they will issue a letter to the applicant to notify them within 30 days that their application has been cancelled due to a refusal of an offer of housing, including the following information:
 - a. The address of the refused unit and the date it was offered.
 - b. That the applicant has a right to a Decision Review, which must be submitted to HAU within 15 days of the date of the Decision Letter.
4. If a Decision Review is requested, HAU will conduct the review and notify the applicant of the outcome.

Action Required

When making an offer of housing, housing providers and Housing Programs must follow the instructions outlined in this program instruction for an offer to be considered valid. Appendix A provides an Offer Process Job Aid to follow when contacting applicants to make an offer.

Housing providers and Housing Programs are required to complete applicant activity reports and forward them to HAU within seven business days of an applicant refusing an offer of housing.

Authority: O. Reg. 367/11, s. 32.2, 46.1

Please contact your Program Coordinator with any questions.

This notice will be available in an accessible format or with communication supports upon request from 1-877-464-9675 or 905-830-4444 ext. 72119

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APPENDIX A: OFFER PROCESS JOB AID

Before Contacting the Applicant

- Review the Rent Café file:
 - Contact applicants in chronological order, with Special Priority applicants ahead of all other applicants
 - Contact HAU if information is missing or out of date and confirm any required documents
- If there is a pending change (e.g. requesting an additional bedroom or adding a household member), bypass the applicant.
- If the applicant file states that the household requires a parking space and parking is not available:
 - If you have not previously made an offer to this applicant, proceed with the offer. If the applicant does not accept the offer because no parking is available, **it will not be counted as a refusal.**
 - If you have previously made an offer to this applicant that was refused, bypass them and offer to the next chronological applicant.
- If the unit is a bachelor unit and the applicant qualifies for a bachelor unit or a one-bedroom unit:
 - If you have not previously made an offer to this applicant, proceed with the offer. If the applicant states that they do not want to accept a bachelor unit, **it will not be counted as a refusal.**
 - If you have previously made an offer for a bachelor unit to this applicant that was refused, bypass them and offer to the next chronological applicant.

When Offering the Unit

- Follow the suggested offer checklist (next page)
- Emphasize that this is an offer of subsidized housing in a location the household has selected through their application to the subsidized housing wait list
- You must give the applicant a minimum of two business days to respond to the offer

After Making the Offer

- Update the applicant's Rent Café file as soon as the applicant is contacted, by voicemail or directly:
 - Non-senior mandated housing providers: Place applicants 'on offer' (Refer to the Rent Café Guide provided by HAU for instructions on how to change applicants to 'on offer' status)
 - Senior-mandated housing providers: Make a note in the file stating that an offer has been made, to avoid another housing provider making an offer to the same household
- Record brief but detailed notes of the applicant's response in Rent Café

- Complete and send the appropriate report to HAU as soon as possible (within seven business days)
 - [Applicant Activity Report – Housed Applicants](#)
 - [Applicant Activity Report – Housing Provider Refused to Offer Unit](#)
 - [Applicant Activity Report – Applicant Refused Offer](#)
 - [Applicant Activity Report - Applicants You Were Unable to Contact](#)
- Leave the applicant 'on offer' status regardless of whether the applicant refused or accepted
- HAU reviews the report and updates the applicant's status, and if required, issues a refusal letter

Offer Checklist

This script is a guideline. Each item must be discussed when contacting an applicant to make an offer.

<input type="checkbox"/>	I'm contacting you today, _____ (Date and time) _____ with an offer of housing in a building that you selected through your application for subsidized housing in York Region.
<input type="checkbox"/>	The building address is: _____ It is an apartment / townhouse / other _____ There are _____ bedrooms in the unit.
<input type="checkbox"/>	This building is a co-operative (if applicable). As a co-op member, you will have the following obligations: _____
<input type="checkbox"/>	The unit will be available for move in on: _____
<input type="checkbox"/>	This unit does / does not come with parking available. <i>If parking is available:</i> Parking costs will be _____
<input type="checkbox"/>	This is a time-sensitive offer. You must respond to this offer within two business days [or housing provider timeframe, provided it is at least two business days] Please contact me no later than (date) _____ to accept the offer.
<input type="checkbox"/>	My name is _____ and you can reach me by phone at _____ or email at _____. Please leave a message with your name, phone number and the building address and unit number.
<input type="checkbox"/>	If you do not respond or decide not to accept the offer, it is considered a refusal of an offer of subsidized housing. You will have an opportunity to request a review, however your application for subsidized housing will be cancelled if you refuse an offer.

Offer Outcome

<input type="checkbox"/>	Applicant accepted offer <ul style="list-style-type: none">• Sent Applicant Activity Report – Housed
<input type="checkbox"/>	Applicant refused offer (applicant states they do not want unit or does not respond to voicemail message) <ul style="list-style-type: none">• Sent Applicant Activity Report – Applicant Refused an Offer of a Subsidized Unit
<input type="checkbox"/>	Applicant could not be contacted (phone number out of service, unable to leave a message): <ul style="list-style-type: none">• Sent Applicant Activity Report – Unable to Reach Applicant
<input type="checkbox"/>	Housing provider refused to offer the unit <ul style="list-style-type: none">• Sent Applicant Activity Report – Housing Provider Refused to Offer Unit