

SH *notification*

social housing

Amendments to Ontario Regulation 367/11 under the Housing Services Act, 2011 including a new provincial eligibility rule 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. The amendments come into force on January 1, 2020.

Legislation/Regulation

September 23, 2019

Operational

Release: 19-09

This notification provides an overview of regulatory amendments to Ontario Regulation 367/11 under the Housing Services Act, 2011 including a new provincial eligibility rule 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. The amendments come into force on January 1, 2020.

I. Provincial Rule on Refusal of Offers

Effective January 1, 2020, section 39 of the regulation is revoked and any local rule made under this section may only continue to apply as described below. Section 39 of the regulation allowed Service Managers to make a local rule providing that a household would no longer be eligible for rent-geared-to-income assistance if a household refused a minimum of three offers of rent-geared-to-income assistance from a Service Manager.

The regulation is amended to set out a new provincial rule in section 32.2 and states that a household would no longer be eligible for rent-geared-to-income assistance if a household refuses an offer from a Service Manager for assistance in a unit where the unit meets the Service Manager's occupancy standards and is in a housing project for which the household has expressed a preference. Section 32.2 provides that:

- The offer must be for 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.
- If a household refuses an offer for a portable housing benefit it would not be considered as a refusal under this rule.
- Service Managers may determine that a household remains eligible if the Service Manager is satisfied that there are extenuating circumstances.

When do these rules begin to apply?

The amendments to the regulation come into force on January 1, 2020.

The provincial rule on refusal of offers begins to apply on a date chosen by the Service Manager that is no later than January 1, 2021 - or if no date is chosen, January 1, 2021.

Until the Service Manager implements the provincial rule on refusal of offers, any local eligibility rule that was made by the Service Manager under section 39, as it read immediately before it was revoked, continues to apply.

All Service Managers are required to comply with the provincial rule on refusal of offers by January 1, 2021.

Service Managers are required to make reasonable efforts to notify households of the provincial rule on refusal of offers.

Service Managers must make reasonable efforts to notify households on the waiting list of the new provincial rule on refusal of offers before the rule begins to apply.

What could be considered an extenuating circumstance?

Service Managers may determine that a household remains eligible for rent-geared-to-income assistance if the Service Manager is satisfied that there are extenuating circumstances. Examples of potential extenuating circumstances could include situations where at the time of an offer from a Service Manager an applicant is in the hospital, receiving treatment for addiction, or if an applicant is a survivor of domestic violence or human trafficking and a preferred building is no longer safe due to the proximity of an abuser.

How will the changes impact special priority applicants?

The provincial rule on refusal of offers would apply to all applicants on centralized waiting lists, including special priority applicants (SPP)¹. Service Managers have the discretion to consider extenuating circumstances and are encouraged to use their discretion to consider potential extenuating circumstances for special priority applicants to ensure they are not negatively impacted. The ministry intends to develop guidance material in collaboration with partner ministries related to special priority applicants.

Current regulatory provisions for SPP applicants remain in place, including the ability of SPP households to request to place their applications on hold (once) for up to one year and maintain their place on the waiting list, if they are or will be living with the abusing individual (section 46, paragraph 9).

¹ The Special Priority Policy (SPP) gives survivors of domestic violence and human trafficking priority access to RGI housing. Under Ontario Regulation 367/11 of the *Housing Services Act, 2011*, the prescribed provincial priority rules establish that a household in the SPP category has priority over other households seeking RGI assistance.

II. Preferences Requirements

The regulation sets out rules that apply to a Service Manager's system for selecting households for rent-geared-to-income assistance (see sections 46-51). The regulation is amended to include section 46.1 which states that a Service Manager's system must include rules that allow a household to indicate their preferences for housing projects in the Service Manager's service area. The rules must:

- Provide that until a household indicates their preferences, their preferences would be for any housing project in the Service Manager's area or in any part of the service area determined by the Service Manager.
- Permit a household to change or remove its preference for a housing project.

Service Managers are required to make reasonable efforts to notify households of rules regarding preferences.

III. Service Manager Local Rule – Occupancy Standards

Section 38 allows Service Managers to establish a local eligibility rule that a household is no longer eligible for rent-geared-to-income if it occupies a unit that is larger than is permitted under the Service Manager's occupancy standards. The rule must indicate that the household is not ineligible

- (1) until a year after it is notified by the Service Manager that it occupies a unit that is larger than permitted, and
- (2) if it is following the process specified in the rule or by the Service Manager to be transferred to a unit that is permissible under the Service Manager's occupancy standards.

Section 38 is amended and states that the process to be transferred set out in the rule or specified by the Service Manager must provide that a household is ineligible for rent-geared-to-income assistance if, after a year from being notified that it is in a unit that is larger than permitted, it refuses an offer to transfer to another unit that is permissible under the Service Manager's occupancy standards.

The process must also provide that the Service Manager may determine that a household remains eligible if the Service Manager determines there are extenuating circumstances.

Further Information

The amended regulation is available through the following hyperlink:

<https://www.ontario.ca/laws/regulation/r19318>

Should you have any questions, please contact Rhona Duncan, Manager, Community Housing Renewal Unit. Rhona Duncan can be reached by telephone at (416) 585-7228, or by e-mail at rhona.duncan@ontario.ca