

This Program Instruction is applicable to project(s) that are checked off.

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

N° 2012-05

**NOTE:** This Program Instruction replaces Program Instruction 2009-02

**Subject:** Local Rule: Overhoused Households

**Summary:** The *Housing Services Act, 2011* (HSA) eliminated the provincial overhoused rule and allows the Service Manager to establish a local rule. To manage the impact of moving overhoused households, a local rule allowing an overhoused household to move to the most appropriately sized unit in their current housing community has been established.

**Background:** On January 1, 2012, the HSA replaced the *Social Housing Reform Act, 2000* (SHRA) as the legislation guiding the administration of transferred social housing programs in Ontario.

The HSA and its regulations provide Service Managers and housing providers with some additional flexibility in administering rent-geared-to-income (RGI) assistance and social housing programs. The enabling framework in the HSA allows Service Managers to establish some local rules and standards.

The Region has established a local rule under the HSA, which requires an overhoused household to move to an appropriately sized unit within their current housing community after they have been deemed overhoused for one year. In some cases, the housing complex may not have units of the required size. For example, family townhouse sites typically do not have one bedroom units. In this circumstance, the over-housed household would be required to move to the smallest unit size available in the community.

For example, a couple residing in a four bedroom townhouse, is deemed overhoused and required to move to a one-bedroom unit. The housing site does not have one-bedroom units; the couple is therefore required to move to the smallest unit size which is a two bedroom unit.

Households that do not move to the appropriately sized unit will no longer qualify for RGI assistance. Also, if the household refuses three offers while on the internal transfer list will no longer qualify for RGI assistance.

**Procedure:**

If a housing provider determines that a household is overhoused, the following steps are required:

1. Give the household a Notice of Decision stating that they are overhoused and required to transfer to an appropriately sized unit in order to maintain RGI eligibility. **Please note: households are no longer required to move until one year from the date they were notified that they were overhoused.**
  - The household is added to the housing provider's internal transfer list. Overhoused households rank below internal special priority applicants and above all other internal transfer requests.
2. Once the overhoused household has been deemed overhoused for one year, the housing provider must document all offers and refusals of units made to the household. The housing provider may offer a unit within the first year but it must not be counted as refusal. Refusals are only counted after the households has been deemed overhoused for one year.
3. The overhoused household remains on the housing provider's internal transfer list until they are accommodated in an appropriately sized unit or they refuse three unit offers.
4. Should an overhoused household refuse three offers, they are no longer eligible for RGI assistance. The housing provider must issue a Notice of Decision making them ineligible for RGI assistance. The Notice of Decision must state the reason for the decision and the option for internal review of the decision.

**Action Required:**

There are a number of overhoused applicants on the Region's waiting list. These files will be cancelled from the Region's waiting list and transferred to the housing provider's internal transfer list.

Regional Program Co-ordinators will be contacting housing providers that have households that are overhoused and on the Region's waiting list as an overhoused applicant. The Program Co-ordinator will review the policy and assist the Housing Provider in adding overhoused applicants to the existing internal transfer list in the appropriate priority sequence.

The Region will provide communication to all overhoused applicants that are affected by the Overhoused Local Rule.

Housing providers are required to offer appropriately sized vacancies to applicants on their internal transfer list prior to accessing the Region's waiting list.

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

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