



Housing Provider Forum

**CEASE TO QUALIFY FOR RGI
ASSISTANCE**

Basic Eligibility Requirements

Eligibility for Rent Geared to Income Assistance :

- Declare all household income
- Not owe rent or other fees to a former affordable housing provider
- Have one member of the household be 16 years of age or older
- Be able to live independently, with or without support services

Basic Eligibility Requirements

All members of the household must:

- Be Canadian citizens, permanent residents of Canada or refugee claimants
- Not be convicted of an offence in relation to rent-gear-to-income assistance in the last two years
- Not be under a removal order under the Immigration and Refugee Protection Act (Canada) to leave Canada

Ceasing to be eligible for RGI

- Failure to meet any basic eligibility requirements
- Arrears to Former Social Housing Provider
- Failure to divest residential property
- Failure to provide requested information
- Failure to report changes
- Failure to pursue income
- 12 months at Market
- Absence from unit
- Overhoused - Refusals

Annual Eligibility Review

Supporting documentation not returned by deadline:

- 90 day Notice of Decision of RGI ineligibility-increasing rent to market
- Effective 1st day of the month after 90 days from the day of notice with the right to request a review.

Annual Eligibility Review

The Housing provider has the discretion to extend the time up to 89 days for the RGI household to request a review of decision of ineligibility.

The RGI household must submit all outstanding information/documentation required to complete annual renewal within the 90 day notice period.

If nothing received from RGI household the decision is final. Rent increased to market on the 90th day.

NO FURTHER APPEAL OR RECONSIDERATION. RGI household must reapply to centralized waitlist for RGI

Annual Eligibility Review

Review reveals previously unreported income not declared within 30 day timeframe:

- 90 day Notice of Decision of RGI ineligibility-increasing rent to market
- Effective 1st day of the month after 90 days from the day of notice with the right to request a review.

Annual Eligibility Review

If undeclared income spans a period of less than 12 months and the household has provided all the information needed to calculate the rent, the housing provider has the discretion to allow the household to remain as RGI.

The information provided is used to calculate the amount of RGI rent owed and the RGI household must sign and maintain a repayment agreement with the housing provider for the RGI subsidy that was overpaid based on the undeclared income.

Annual Eligibility Review

If undeclared income spans more than 12 months the housing provider cannot exercise discretion, it is treated as “*Failure to Declare*” within 30 days.

- Notice of Decision of RGI Ineligibility is issued-increasing rent to market.
- The information is used to calculate the amount of overpaid RGI subsidy owed and housing provider pursues repayment.

Housing Provider *may* also pursue eviction for misrepresentation of income.

Overpaid RGI Assistance

At annual review it is discovered that an RGI household received a pay increase 8 months ago and failed to report the change in income.

Using the sample at your table calculate the amount owed.

Failure to Pursue Income

Pursuit of income is required. Households are required to pursue:

- Ontario Works
- Child/Spousal Support
- Employment Insurance (E.I.) benefits
- OAS/GIS/GAINS
- Sponsorship payments

Failure to Pursue Income

Household has failed to pursue income:

- 90 day Notice of Decision of RGI ineligibility-increasing rent to market
- Effective 1st day of the month after 90 days from the day of notice with the right to request a review.

If within the 90 day notice period the household is able to provide evidence that they have made a reasonable effort to pursue all income they are entitled and eligible for, the housing provider may reinstate the RGI.

If nothing received from the RGI household the decision is final and the rent increases to market on the 90th day.

The household must reapply to the centralized waitlist for RGI.

Market Rent for 12 Consecutive Months

Ineligibility if RGI is equivalent to market for 12 consecutive months:

- 90 day Notice of Decision of RGI ineligibility **AFTER** 12 months at market
- Effective 1st day of the month after 90 days from the day of notice with the right to request a review.

Market Rent for 12 Consecutive Months

Not an area for housing provider discretion.

Household must receive a 90 day Notice of Decision advising them of their RGI ineligibility and be offered the right to request a review.

In this situation **ONLY** the household may apply for MKT to RGI. Refer to NRH Notice 10-08 for information on households wanting to apply for MKT to RGI

Failure to Divest Property

Household has failed to divest property suitable for year round occupancy within 180 days after the first day of the month in which the household begins to receive RGI assistance:

- 90 day Notice of Decision of RGI ineligibility- increasing rent to market
- Effective 1st day of the month after 90 days from the day of notice with the right to request a review.

Failure to Divest Property

Housing Provider has discretion to extend time for internal review.

If within the 90 day notice period the household is able to provide evidence that they have made a reasonable effort to divest the property, the housing provider may reinstate the RGI.

The housing provide may extend the time frame for an additional 180 day period.

Absence From Unit

- **An entire RGI household has an unapproved absence from unit for more than 60 days or 90 non-consecutive days in total in a 12 month period:**
- 90 day Notice of Decision of RGI ineligibility-increasing rent to market
- Effective 1st day of the month after 90 days from the day of notice with the right to request a review.

Absence From Unit

- Not an area for housing provider discretion. However there are extenuating circumstances such as:
 - Medical reasons – surgery;
 - Compassionate – immediate family member is ill and household needs to provide care at their home.

Household must receive a 90 day Notice of Decision advising them of their RGI ineligibility and be offered the right to request a review.

The household must reapply to the centralized waitlist for RGI.

Overhoused

RGI household deemed overhoused for 12 months, refuses to be added to centralized waitlist or refuses 2 suitable offers of accommodation:

- 90 day Notice of Decision of RGI ineligibility-increasing rent to market
- Effective 1st day of the month after 90 days from the day of notice with the right to request a review.

Not an area for housing provider discretion.

Household must be offered the right to request a review.

The household must reapply to the centralized waitlist for RGI.

Arrears Owing to Former Social Housing Provider

Household owes or has failed to honour previous repayment agreement:

- 90 day Notice of Decision of RGI ineligibility-increasing rent to market
- Effective 1st day of the month after 90 days from the day of notice with the right to request a review.

Arrears Owing to Former Social Housing Provider

Within the 90 day notice period the household must negotiate a repayment agreement with the former housing provider and must provide proof of repayment to current housing provider.

If the household does not pay the outstanding arrears or provide proof of repayment agreement within the 90 day notice period the original decision stands and the rent increases to market on the 90th day.

The household must reapply to the centralized waitlist for RGI.

Discretion

- Responsible RGI decision making
- Considers the intent of the H.S.A., regulations and local rules
- Is logical, well reasoned and well documented
- Service Managers use discretion
 - Setting local rules, Interpreting legislation
- Housing Providers use discretion
 - As authorized by the Service Manager
 - In the absence of direction from the Service Manager

Inaccurate Reporting

- Initial decision maker housing provider
- Option to determine that household inaccurately reported income
- Option to determine situation is failure to report
- Determination of intent to avoid rent increase
- Overpaid RGI subsidy
- Option to pursue misrepresentation of income

Misrepresentation of Income

- Knowingly and intentionally
- Material
- Pursue eviction
- Pursue order for restitution if amount owing can be determined accurately
- Consequence: if found guilty under HSA by the Courts disqualified for two (2) year period

Failure to Report – Illegal Occupant

“Guests” vs.

Illegal Occupants