



# Notice

No: 07-16

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**APPLICABLE TO:****DATE: October 8, 2007**

<input checked="" type="checkbox"/>	<b>Municipal &amp; Private Non Profit</b>
<input checked="" type="checkbox"/>	<b>Co-operatives</b>
<input type="checkbox"/>	<b>Federal Non Profits</b>
<input type="checkbox"/>	<b>OCHAP/CSHP</b>
<input type="checkbox"/>	<b>Rent Supplement</b>

<input checked="" type="checkbox"/>	<b>Mandatory</b>
<input type="checkbox"/>	<b>For Information</b>

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**SUBJECT: SHRA Regulation Changes - Effective August 1, 2007****Background:**

New regulations amending Ontario Regulations 298/01 and 339/01 under the *Social Housing Reform Act, 2000* took effect August 1, 2007.

Consultation with service managers and other stakeholder organizations led to a number of changes. These changes are intended to provide more local discretion, greater clarity and consistency, and ease administrative requirements.

Most of the changes affect the rules for centralized waiting lists and special priority applications and have a greater effect on service managers than on housing providers. Amendments to the special priority policy provisions are intended to strengthen the protections provided to victims of domestic violence and to improve implementation of the application review process. Appendix "A" lists all the changes to the regulations.

There are several areas of flexibility in the regulations that allow for service manager discretion. These areas are shaded on the attached Appendix "A". NRH will establish local policies in these areas, in consultation with the Provider Advisory Group (PAG). NRH Notices will be issued as local policies are developed.

**Service Manager's Role:**

NRH will develop local policies where service manager flexibility allows, in consultation with PAG. NRH will review housing provider compliance with the regulation changes during the operational review process.

**Housing Provider's Role:**

Housing Providers are required to comply with the amendments to the *Social Housing Reform Act 2000* and put in place the necessary revisions to their internal policies and procedures.

If you have any questions or concerns regarding this notice, please contact your Housing Administrator at (905) 682-9201.

*(Original signed by Lora Beckwith)*

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Lora Beckwith, General Manager

Attachment: Appendix "A"

## ***Appendix “A”***

### **Ontario Regulations 298/01 & 339/01**

#### **SPECIAL PRIORITY POLICY PROVISIONS**

##### **1. Definition of Abuse – O. Reg.298/01 s. 4(1) & 4(1.1)**

The definition of abuse has been expanded to provide the context of domestic violence focusing the policy on abuse within an abusive relationship. The revised definition is as follows:

“Abuse” means:

- (a) one or more incidents of:
  - i) physical or sexual violence;
  - ii) controlling behaviour; or,
  - iii) intentional destruction or intentional injury to property, or
- (b) words, actions, or gestures that threaten an individual or lead an individual to fear for his or her safety.

Abuse includes actions by any of the following persons against an individual:

- 1. The individual’s spouse, parent, child or other relative.
- 2. A person who is sponsoring the individual as an immigrant.
- 3. A person on whom the individual is emotionally, physically or financially dependent.

##### **2. Change to 3 Month Application Rule – O. Reg. 298/01 s. 24**

When households are no longer living with the abuser, an application for SPP status is normally required to be made within 3 months of their separation from the abuser. Applicants can now apply for SPP status beyond the 3 month rule, where Niagara Regional Housing (NRH) is satisfied that the abuse is ongoing.

NRH can allow applications for SPP status later than three months if the abused person is living in an emergency shelter or in temporary housing and is receiving treatment or counseling, or if any other extenuating circumstances apply. Section 24(14) of O.Reg. 298/01 contains a complete list of considerations.

##### **3. Expand Indicators/Records of Abuse – O. Reg. 298/01 s. 25(4)**

The list of indicators of abuse has been expanded and includes threats to kill the abused member, use of a weapon, stalking or harassing behaviour, and/or failure to provide, or withholding the necessities of life. Section 25(4) of O.Reg. 298/01 contains a complete list of indicators.

#### **4. Improving the Verification of the Statement of Abuse – O. Reg. 298/01 s. 25(3.1)**

The record of abuse must be in writing unless NRH is satisfied that the person making the request will be at risk of being abused if the person preparing the written record attempts to obtain it in written form. NRH can waive this requirement in extenuating circumstances.

#### **5. Improving the Verification of the “living with” Criteria – O. Reg. 298/01 s. 24(8)**

Applicants applying for SPP status are required to provide proof that they are currently living with the abuser, within reason. NRH can waive this requirement if it is satisfied that the applicant cannot obtain this documentation or if the abused believes that he or she will be at risk of abuse by attempting to obtain the information.

The “living with” criteria does not apply to situations where the abusing individual is sponsoring the abused member as an immigrant.

#### **6. Expand list of Professionals/Individuals that Verify Statement of Abuse – O. Reg. 298/01 s. 25(5)**

The list of professionals and individuals who can verify the abuse has been expanded to include:

- A community legal worker;
- A registered nurse or practical registered nurse;
- Adding a definition for a member of the clergy; and,
- A new category and definition of a community services worker in order to capture workers employed in the community or social services sector and who, while not accredited with a profession or registered with a certified body, are able to verify abuse.

#### **Special Priority Application – O. Reg. 298/01 s. 25 (3) (b) & (5)**

The list of verifiers of abuse is also expanded to include other individuals not listed among the professionals or community services workers that know about the abuse. In these cases, NRH can require a declaration of truth (administered by a commissioner for taking affidavits) to accompany the record of abuse prepared by these individuals who know about the abuse.

#### **7. Remove SPP Status while on Waiting List in Specific Circumstances – O. Reg. 298/01 s. 25(8)**

NRH can now remove a household from the SPP category on the centralized waiting list if:

1. The member of the household who made the request for SPP status notifies NRH that he/she is adding the abuser to the household's application;
2. The member of the household who made the request notifies NRH that the abuser is deceased;

3. If the household has accepted an offer of an RGI unit in one service manager area (and has been housed), the household may retain its application date on the other service manager area waiting lists, but not its special priority status.

In all three cases, households can remain on the waiting list and their place on the waiting list is based on the chronological date of their application.

### **8. Change Ranking Provisions within Special Priority Household – O. Reg. 298/01 s. 42 (5)**

Applicants with SPP status who are living with the abuser are no longer ranked higher than another SPP household that is no longer living with the abuser. The ranking date for all SPP households is the date the household applied for this status.

### **9. Timelines for Conducting Internal Reviews related to Special Priority Household Category – O.Reg. 339/01 s. 58 (3) (4)**

If an internal review is regarding a request to be included in the SPP category and an application for RGI assistance, application for special needs housing or an internal transfer, the review must taken place within 10 business days and the result of the decision must be given to the member who made the request within 5 business days.

Written notice of the decision will be given to the housing provider but the reasons for the decision shall not be given.

### **Eligibility Requirements**

#### **Applications for RGI assistance/Special Needs Housing – O. Reg. 298/01 s. 5 (8) & 6 (5); s. 45(3)(2)**

The requirement for applications to be signed by each member aged 16 or older has been removed. Applications and consents can now be signed by members of the household as NRH may require.

#### **Eligibility Requirements –O. Reg. 298/01 s. 7 (1)**

NRH may take into consideration a household's reasonable efforts to enter into a repayment agreement, when determining eligibility for assistance. "Reasonable efforts" will be defined.

### **Asset Limits – O. Reg. 298/01 s. 8**

Disabled members of a household can now hold up to a maximum of \$100,000 where the assets are held in one or more trusts, derived from an inheritance or from a life insurance policy *(for information purposes only, as NRH has not established an asset limit related to eligibility)*.

**Cessation of Eligibility – O. Reg. 298/01 s. 12 (h) & (i)**

A household will not lose their RGI assistance if they fail to report changes in their income or assets, if the change results in a decrease in their rent or does not result in their ineligibility for RGI assistance.

**Reapplication – O. Reg. 298/01 s. 16 (1) (2)**

When an RGI tenant is found guilty of misrepresentation by the Rental Housing Board or under the Criminal Code of Canada, the two-year period of ineligibility begins from the date of the offense or crime, as determined by the Board or Court.

**Overhousing – O. Reg. 298/01 s. 27 (3) (7)**

NRH can permit overhousing in extenuating circumstances.

**Special Rule, Overhoused Households – O. Reg. 298/01 s. 33 (1.1) & 33 (4)**

If an overhoused household makes a request to be added to the centralized waiting list, NRH must add them. If they request removal from the centralized waiting list after one year of their overhoused notification, they will cease to be eligible for RGI.

If the household voluntarily places itself on the centralized waiting list, the household will not lose its eligibility, if it chooses to leave the centralized list for an internal transfer list within the initial one year period.

**Subsidiary Waiting Lists – O. Reg. 298/01 s. 36 (2.1)**

NRH can decide not to include a household on a subsidiary waiting list for a housing project if the housing provider has already refused a unit to the household under the conditions allowed in “refusal to offer”.

**Centralized Waiting List Rules – O. Reg. 298/01 s. 37 (4.1) (4.2)**

NRH can defer or hold RGI applications in cases where applicants would not be able to accept an offer of assistance, so as not to jeopardize their eligibility.

**Waiting List Rules – Overhoused – O. Reg. 298/01 s. 37 (8)**

Overhoused households placed on the centralized waiting list must indicate a preference for a minimum number of housing projects within a geographic area, as determined by NRH.

Overhoused households that are on subsidiary waiting lists cannot be removed from the subsidiary waiting list unless their total selection meets the minimum required number as determined by NRH.

**Adjusted Family Income – O. Reg. 298/01 s. 50 (3)**

Changes include:

1. Regular RRSPs and RESPs are treated the same way as pension or locked-in RRSPs.
2. The following types of payments are specifically excluded from income calculations:
  - a. Income of foster children
  - b. Income from certain disability trusts to be used for the purchase of disability related equipment
  - c. Canada Pension Plan Child Disability Benefit
  - d. Special allowances under the Refugee Resettlement Program that exceed the amount a similar family would be eligible for under Ontario Works
3. Negative income of a self-employed member of a family unit will be considered zero income (i.e., will not be subtracted from the positive income of the family unit).
4. The imputed income of a member of a family unit for a month from his or her interest in non-interest bearing bank accounts shall be calculated on the average minimum monthly balance that exceeds \$1,000.
5. A household will be deemed to still have interest in an asset if the asset is transferred to any person, who is not a member of the household, any time after the household begins to receive RGI assistance, unless the service manager is satisfied that the transfer was made in good faith.

**Review of Geared-to-Income Rent Payable – O. Reg. 298/01 s. 52**

NRH can decide to review the household's RGI rent payable longer than every 12 months, if all members of the household are unemployed, on a fixed income and there are no dependents of any member of the household.

**Internal Reviews & Decisions****Change in Rent from Internal Reviews – O. Reg. 298/01 s. 52(10), 53(2) & s. 54(1.1)**

An internal review decision will not delay the change in RGI rent payable (increase or decrease), unless it is an increase caused by an administrative error.

Reimbursements to NRH and/or the housing provider resulting from administrative errors will not be collected from tenants.

**Conduct of Internal Reviews – O. Reg. 298/01 s. 58 (2.1)**

After receiving a request for an internal review, NRH or housing provider must disclose the information that led to the decision to the person who made the request.

**Timelines for Conducting Internal Reviews (other than Special Priority Category)****– O. Reg. 298/01 s. 58 (3) (4)**

A longer time frame for all internal reviews, other than special priority internal reviews, can be implemented.

**Notice of Decisions – O. Reg 298/01 s. 59(2)**

Except in the case of notices regarding special priority, a notice can be given to the members of the household as NRH may require.

**Public Information – O. Reg. 298/01 s. 60 (13.1)**

NRH must provide upon request a list of housing projects within their area that contain modified units and the type of modified units.

**Internal Transfers –O. Reg. 339/01 s. 11(2)**

NRH now determines eligibility for the SPP category of all households who request to be placed on the internal transfer list of a housing provider.

A provider must notify NRH when an overhoused household on their internal transfer waiting list has refused an offer. The internal transfer list will place SPP households on the list in chronological order.

**Capital Reserves – O. Reg. 339/01 s. 24(2.1)**

NRH can now approve additional amounts that a provider can contribute to its capital reserves.

**Definition of Rent - O. Reg. 339/01 s. 4(1)(b)**

Remove “*Tenant Protection Act 1997*” reference and substitute “*Residential Tenancies Act 2006*”).