

Appendix B

Sample Policy

[the non-profit]

[date]

Special Needs Access Policy and Procedures*

[Non-profit] provides housing with support services to [define the client group]. The type of housing offered is []. [Add a statement of the mission and goals of your organization.]

In some cases, SNHAs have a referral agreement with an external support agency that maintains the special needs waiting list and fill the special needs units according to the support agency's criteria. In other cases, the waiting list for the SNHA is maintained by the service manager.

The SNHA may delegate the responsibility for special needs housing to their external support agency, but the SNHA is ultimately responsible to ensure compliance with the HSA.

Application for Special Needs Housing

This application procedure is for households who need support services with or without unit modifications for accessibility who are;

- Living in private market accommodation or temporary care facilities.
- Seeking to transfer from another non-profit housing provider.
- Already living with [non-profit], and now need unit modifications or support services that they do not currently have.
- Wanting to move to another unit within the non-profit's housing for other reasons.

All applicants must:

- Complete an application for special needs housing that includes the reason(s) the household needs special needs housing. Refer to *Eligibility for Special Needs Housing*
- Provide any information or documents that [the non-profit] may require to verify eligibility.
- Give consent for third parties to disclose or verify any information and documents needed to process the application.
- Sign the application.

Note: Household members or third parties will not be required to provide information or documents if [the non-profit] is satisfied that they are unable to do so.¹

Applicants for special needs housing who also need Rent-Geared-to-Income (RGI) assistance must apply to the service manager separately for RGI, and meet the RGI eligibility requirements. Refer to *Eligibility for Rent-Geared-to-Income (RGI) Assistance*.

¹ O. Reg. 367/11 S. 72(1) requirement

* Append this policy to the referral agreement with a support service agency

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Receiving Applications for Special Needs Housing

When an application for special needs housing is received, [the non-profit] will determine if the application and accompanying consent form are completed and signed, and confirm that all required information and documents are provided.

[The non-profit] will notify applicants, within 7 days, that either the application:

- has been completed, or
- is **not** complete and what is needed to complete it.

[The non-profit] **is not** required to determine eligibility for special needs housing, or the unit for which the household is eligible, until the application is complete.

Eligibility for Special Needs Housing

Support services available in [non-profit's] housing are funded by the Province of Ontario. To be eligible for housing with these services, a household must qualify for support services. A household may be eligible for special needs housing with accessibility modifications if one or more of its members requires the modifications. A household does not need to be eligible for RGI assistance to be eligible for a special needs unit.

[The non-profit] will decide if the household is eligible for its special needs housing without delay, taking into consideration the non-profit's mandate, the type and amount of support services needed, and the type and amount of support services the non-profit or its support service agency is able to provide. If [the non-profit] determines that the household is not eligible for special needs housing, it will notify the household in writing without delay. The notification will explain why the application has been rejected and will provide direction on how to ask for a review of the decision. The service manager has delegated the responsibility to conduct reviews of special needs eligibility to the Special Needs Housing Administrator.

Eligibility for Rent-Geared-to-Income (RGI) assistance

Applicants for special needs housing, who also need RGI assistance, must apply for RGI assistance separately. The application for RGI assistance is completed at the time of offer of a special needs unit. In order to qualify for RGI assistance, the application must meet the service manager's RGI eligibility requirements, which includes:

- at least one member of the household must be 16 years old or older and able to live independently;
- each member of the household must meet at least one of the following criteria:
 - the member is a Canadian citizen
 - the member has made an application for status as a permanent resident under the *Immigration and Refugee Protection Act (Canada)*, or
 - the member has made a claim for refugee protection under the *Immigration and Refugee Protection Act (Canada)*.

A household is ineligible for RGI assistance if:

- a removal order has become enforceable under the *Immigration and Refugee Protection Act (Canada)* against any member of the household;

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- a member of the household owes, with respect to a previous tenancy in any housing project under any transferred housing program,
 - arrears of rent;
 - an amount required by a service manager under section 56 of the Act or section 86 of the former Act; or
 - an amount for damages caused by a current member of the household
- each member of the household, who has a legal or beneficial interest in a freehold or leasehold estate in residential property located in or outside Ontario that is suitable for year-round occupancy does not divests himself or herself of his or her interest in the property and gives written verification of the divestment to the service manager, within six months of starting to receive RGI assistance;
- a member of the household has been convicted of
 - an offence under section 55 of the Act or section 85 of the former Act; or
 - a crime under the *Criminal Code (Canada)* in relation to the receipt of RGI assistance.

A household will be offered a special needs unit, whether or not it needs RGI assistance. If the household applies and is approved by the service manager for RGI assistance, it will be given the assistance even if doing so causes [the non-profit] to diverge from its target. (The non-profit will return to its target as soon as possible when filling future vacancies.) If the household is not eligible for RGI assistance but is eligible for special needs housing, the household will be offered the unit at market rent. The household must be willing and able to pay the full market rent.²

Eligibility for Special Priority Status on the Waiting List

Applicants for special needs units with RGI assistance may also apply for special priority status on the waiting list. The applicant's eligibility for special priority status is determined by the service manager and will be assessed within 14 days of receiving the completed special priority application.

A household who has been approved for special priority status ranks higher on the special needs waiting list than another household that is not a special priority household.

A household will be removed from [the non-profit's] special needs waiting list:

- a) the member who made the request to be included in the special priority category,
 - i. notifies the service manager that he or she wants the abusing individual to be part of the member's household for the purposes of the member's application for RGI assistance; or,
 - ii. notifies the service manager that the abusing individual is deceased; or
- b) the household accepts an offer of RGI assistance, whether or not that offer comes from a housing provider within the service area of the service manager.

The removal of SPP status from an application can only be done by the service manager. To facilitate the removal of SPP status from a household on the waiting list, the (non-profit) must notify the service manager of the circumstances surrounding the reason for SPP removal. The service manager will then verify the information and ensure it meets legislative requirements for

² Some housing providers may have the ability to provide an internal rent subsidy by way of fundraised revenue. If so, add a clause about eligibility requirements for the internal subsidy.

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SPP removal. If the service manager determines that SPP should be removed from an application, the service manager will notify the (non-profit) of the decision.

Notice of changes

When a household submits its application for special needs housing, it will be advised (in writing and verbally) that it must give [the non-profit] written notice of any changes to the information that was provided. This written notice must be given to [the non-profit] within 30 days³ of the change. If verification of updated information is required, the household must provide the updated document(s) within the same time frame.

Waiting lists

A household will be added to [the non-profit's] special needs waiting list once it is determined to be eligible for special needs housing. Some SNHAs choose to utilize the service manager's centralized waiting list. If the service manager's waiting list is utilized, the service manager's waiting list policies will apply.

Applicants placed on SNHA's waiting list will be ranked according to [the non-profit's] policies as follows:⁴

Insert [non-profit's] ranking protocol here.

Special Priority Policy (SPP) applicants must be ranked as first priority, as per legislative requirements.

Internal Transfers

Tenants who apply and are approved for an internal transfer within the non-profit's portfolio will be placed on the list for the unit size, type and/or location they have requested. Households requesting and approved for an internal transfer with special priority status will have a higher rank than those without special priority status. If there is more than one applicant with special priority status, they will be ranked chronologically based on their date of application.

Occupancy Standards

A special needs household will be housed in a unit that has the modifications or support services it needs. Occupancy standards for special needs' units must comply with NRH's local rules.

³ Or another time period set by [the non-profit].

⁴ The HSA has no rules about how households are ranked, other than giving special priority households a higher priority than non-special priority households - it states simply that there must be written policies. For example, your policy could rank households by their date of application, by the amount of support needed, relative need or any other criteria.

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Filling a Vacant Special Needs Unit

When a special needs unit becomes vacant, [the non-profit] will offer it to the highest ranked household on the non-profit's internal waiting list that needs the type and amount of support available⁵. The vacancy must be offered to an existing tenant on the provider's internal transfer list before proceeding to the external waiting list.

If a unit has been modified and support services are provided, the top ranked household that needs both the modification and the support will be offered the unit.

If the first ranked household refuses the offer, [the non-profit] will offer the unit to the next highest ranked household on the list that needs the support in the unit, until the unit is filled.

A special needs unit will not be offered to a household that is not eligible for special needs housing, even if that means leaving the unit vacant. If a (non-profit) is having difficulty filling a modified unit, they should contact the service manager for assistance in marketing the modified unit.

Refusing to Offer a Special Needs Unit to a Household

[The non-profit] may refuse to offer a special needs unit to a household if:

- the household does not fit with the non-profit's mandate;
- there are reasonable grounds, based on the household's rental history, to believe that the household would fail to pay rent when it is due;
- in the case of a shared unit, there are grounds to believe that it would be unreasonable for the household to live in shared accommodation; or
- the level of support available in the unit is significantly greater or less than the support needed by the household.

Households who have been refused the offer of a unit must be notified in writing without delay when the decision is made. The notice must contain:

- the date the decision was made;
- the reason [the non-profit] refused to offer the unit to the household;
- the facts that [the non-profit] used to make the decision to not offer the unit;
- a statement that any member of the household is entitled to request a review of the decision; and,
- information on how to request a review of the decision, and the deadline for doing so - See *Reviews* (below).

[The non-profit] will keep a written record of the decision (including a copy of the written notice to the household) for at least seven years after the day the notice of refusal is given to the household.

⁵ For example, when two or more households on the waiting list qualify for the same unit that meets their special needs requirements, the unit will be offered to applicants in order by date of receipt of a complete application.

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Confirming Continued Eligibility

The non-profit must reassess eligibility of tenants and applicants for special needs housing as follows:

- For applicants, once every two years (24 months)⁶ starting after completion of the application form.
- For tenants, once every year (12 months) starting on the first anniversary of initial occupancy.

The household must provide the information and documents requested by [the non-profit] within the time frame set out by [the non-profit]. If any household member is unable to give valid consent, the required documents must be completed by a person authorized to act on their behalf.

The non-profit may determine that the applicant or tenant will not be required to provide information or documents if it is satisfied that:

- the applicant or tenant is unable to do so,
- the information or documents previously supplied are sufficient, or
- in the case of a special priority household, a member of the household would be at risk of abuse if he/she attempted to obtain the information or documents.

Loss of eligibility for Special Needs Housing

a. Loss of Eligibility for Special Needs Housing - Support Services

A household will no longer be eligible for special needs housing if:

- it is discovered the household did not meet the original eligibility requirements;
- the person needing the support no longer lives in the unit, or has permanently recovered; or,

Losing eligibility for a special needs unit (i.e., support services) does not affect the household's eligibility for RGI assistance. The [non-profit] will review the household's RGI eligibility annually to ensure that the household still qualifies for RGI assistance⁷.

If a household loses its eligibility for special needs housing (i.e, support services), it will be notified in writing within seven business days⁸ after the decision is made. The notice shall:

- describe the decision and the implications of loss of eligibility;
 - give the reasons for the decision;
 - state that any member of the household is entitled to request a review of the decision;
- and,

⁶ S. 75(1)5 of O. Reg. 367/11 requires the Special Needs Housing Administrator to verify continued eligibility of applicants on the waiting list "from time to time".

⁷ Annually, or as required by the service manager depending on the circumstances (income source, etc) of the household.

⁸ Defined by s. 82 (1) of O Reg. 367/11

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- include information on how to request a review of the decision, and the deadline for doing so - See *Reviews* (below).

Losing eligibility for a special needs unit does not mean that the household must leave [the non-profit]. At the earliest opportunity, [the non-profit] will make the support services available to the next appropriate household on the waiting list.

b. Loss of Eligibility for Special Needs Housing - Modified Unit

A household will no longer be eligible for special needs housing if:

- it is discovered the household did not meet the original eligibility requirements;
- the person needing the modifications no longer lives in the unit, or has permanently recovered; or,

Losing eligibility for a special needs unit (i.e., modified unit) does not affect the household's eligibility for RGI assistance; however, the household will be required to transfer to a non-modified unit to continue to receive RGI assistance.

If a household loses its eligibility for special needs housing (i.e., modified unit), it will be notified in writing within seven business days⁹ after the decision is made. The notice shall:

- describe the decision and the implications of loss of eligibility;
- give the reasons for the decision;
- state that any member of the household is entitled to request a review of the decision; and,
- include information on how to request a review of the decision, and the deadline for doing so - See *Reviews* (below).

Losing eligibility for a special needs unit will require the household to leave the modified unit. The household will be placed on an Internal Transfer List in accordance with [the non-profit's] Internal Transfer Policy, if appropriate. At the earliest opportunity, [the non-profit] will make the modified unit available to the next appropriate household on the external support agency's waiting list. If there are no appropriate-sized units in the provider's portfolio, the household must be placed on the service manager's centralized waiting list with appropriate number of choices made by the household. Once on the centralized waiting list, the maximum number of offers of 3 will be made before the household loses their RGI subsidy and is required to pay the market rent.

Reviews

If [the non-profit] makes a decision that a household is ineligible or no longer eligible for special needs housing, or has refused to offer the unit to the household, the household may request a review of that decision.

⁹ Defined by s. 82 (1) of O Reg. 367/11

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The service manager has delegated the responsibility for reviews of ineligibility for special needs housing to the Special Needs Housing Administrator. The applicant or tenant will be provided with the steps to request a review of the (non-profit's) decision.

[The non-profit] is responsible for reviews of refusals to offer units. The non-profit will follow the rules according to its approved Review Policy and Procedures.¹⁰

¹⁰ Review procedures must meet the requirements of s.138 of O. Reg. 367/11.