



Niagara Regional Housing

# Notice

No: 16-04

**APPLICABLE TO:**

**DATE: May 20, 2016**

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

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

**SUBJECT: Cease to Qualify for Rent Geared to Income Assistance**

**PURPOSE**

The purpose of this policy is to identify under what circumstances a Rent Geared to Income (RGI) household may cease to qualify to receive any further RGI assistance.

**OVERVIEW**

Under the Housing Services Act, RGI households may be deemed ineligible to receive any further RGI assistance, if:

- They fail to report changes in their household circumstances within 30 days that would impact: their eligibility for RGI assistance, the amount of RGI they are entitled to receive, and/or their unit size; and to provide the required documentation regarding the change
- They fail to provide information requested by the service manager/housing provider to determine RGI eligibility or the amount of RGI payable, within the specified time period. (For example, during an annual eligibility review a household fails to provide the requested information and documentation within the specified time for providing this information)
- The household did not meet an eligibility requirement. (For example, it is subsequently determined that a household did not meet an initial eligibility requirement when they applied to be placed on the centralized wait list for RGI housing – such as arrears owed from previous tenancy)
- The household no longer meets an eligibility requirement. (For example, a member of the household no longer meets residency/citizenship requirements or defaults on an arrears repayment agreement for arrears owed from a previous tenancy)
- The household fails to pursue income as required. (For example, a provider determines that a household has no identified source of income and the household refuses to pursue all potential source of income)

- The RGI household has paid the maximum (market) rent for 12 consecutive months
- The household fails to sell residential property they own within the legislated timeframe of 180 days. (For example a household has refused to sell a residential property they own)
- An RGI household deemed overhoused asks to be removed from the centralized waitlist
- An RGI household deemed overhoused refuses two (2) suitable offers of accommodation
- An entire RGI household has an unapproved absence from their unit in excess of sixty (60) consecutive days or ninety (90) days in total within a twelve (12) month period.

In every case the decision is subject to review when requested by the household. The Housing Provider must advise the household of their right to request a review (appeal) of the decision when issuing the Notice of Decision determining the household ineligible for RGI assistance.

### **Consequences of Ceasing to Qualify for Rent Geared to Income assistance**

The penalties for RGI households who fail to follow the legislative requirements and local rules for rent geared to income administration are severe.

Once a household ceases to qualify for RGI assistance for any of the reasons noted above, the Housing Provider issues a ninety (90) day written notice of decision advising the household that their RGI assistance is to be terminated. The household will be charged the maximum (market) rent for the unit they occupy on the first day of the month following the expiry of the ninety (90) day written notice.

Households who have ceased to qualify for any further RGI assistance would need to reapply through the Housing Access Centre and meet all eligibility requirements before being placed on the centralized wait list for RGI assistance. The application would have a current date of application.

A household deemed ineligible for RGI assistance is not eligible to apply for assistance under NRH Notice 10-08 Market to RGI.

#### *Example:*

During the annual eligibility review, a housing provider finds that one of the RGI household members is not residing in Canada legally. The housing provider gives the household a Notice of Decision on January 20<sup>th</sup> that they are no longer eligible for RGI assistance. The household's rent will increase to maximum (market) rent effective May 1<sup>st</sup>. The household is offered the opportunity to request a review (appeal) the housing provider's decision.

The Household would need to reapply through the Housing Access Centre to have their application added to the centralized wait list to receive rent geared to income assistance.

## FAILURE TO PROVIDE INFORMATION

RGI tenants or co-op members that do not submit requested information by the required deadline shall be deemed ineligible for RGI assistance.

The housing provider must give the RGI household 90 days' written notice of RGI ineligibility. The household is offered the opportunity to request a review of (appeal) the housing provider's decision.

If the household requests a review of the decision and the review upholds the original decision finding the household ineligible, then the rent increases to the full market as of the original date given in the Notice of Decision.

Once a household has been deemed ineligible for RGI assistance, the household must reapply through the Housing Access Centre in order to have their name added to the centralized wait list.

Housing Providers have the discretion to extend time to allow RGI households to request a review of decisions or to provide additional information. This discretion provides a limited opportunity for RGI households initially deemed ineligible to re-qualify to receive RGI assistance.

However, the housing provider **cannot** exercise their discretion to extend time beyond the 90 day notice period. Once the market rent for the unit has been charged there can be **no** further extensions or opportunities to request a review of the decision. The decision of ineligibility is final – the household must reapply for RGI assistance through the Housing Access Centre. See *Appendix A*.

If the household has been deemed ineligible because they have failed to report a change in their circumstances within the timeframes specified or if they have failed to provide annual eligibility review documentation within the specified timeframes and they subsequently provide the information during the 90 day window before the market rent increase takes effect, the housing provider may consider this as a request for a review of the decision. Eligibility could be reassessed based on the information received and RGI could be calculated.

## Housing Providers Role

Housing Providers must ensure that RGI households are routinely advised that they must submit information and documentation requested when asked. Any sort of correspondence or communication (letters, annual renewal packages, leases/occupancy agreements, newsletters, bulletins, etc.) with the RGI household should reinforce the message that failure to provide information and documentation when requested could result in the termination of RGI assistance.

When a housing provider requests information or documentation from an RGI household, it must give a clear deadline for submission of the information. Housing Providers must also ensure that RGI households are offered the opportunity to request a review of decisions as required under the Housing Services Act.

Housing Providers are to ensure this policy is fully implemented immediately. Should you have any questions please do not hesitate to contact your Housing Administrator.

**Service Manager’s Role**

NRH will monitor compliance with this Notice through Operational Reviews.

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

(Original signed by Ellen Balmain)

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Ellen Balmain, Chief Executive Officer

Appendix “A” – Cease to Qualify Table