



Notice **No: 13-17**

APPLICABLE TO:

DATE: November 29, 2013

<input checked="" type="checkbox"/>	Provincial Reform Non-Profit	<input checked="" type="checkbox"/>	Mandatory
<input checked="" type="checkbox"/>	Provincial Reform Co-operative		
<input type="checkbox"/>	OCHAP/CSHP		For Information
<input type="checkbox"/>	Federal		

SUBJECT: Housing Services Act (HSA) – Appeal Committee Requirements

BACKGROUND

The *HSA* requires service managers to set up a system for dealing with appeals (reviews) of the following decisions:

- RGI eligibility
- RGI payable
- Occupancy standards
- Priority on the waiting list
- Special needs housing eligibility

The *HSA* allows the appeal process to be delegated to housing providers.

REPORT

An Appeal Committee serves an important role by providing third-party review to ensure a fair, impartial and transparent process for all appeals. Chart 1 provides the existing process in place for appeals in Niagara.

Chart 1 – Existing Process

Issue	Owned & Rent Supplement Units	Housing Provider (HP) Units
Occupancy Standards	NRH Appeal Committee	Initial – NRH Appeal Committee Ongoing - HP Appeal Committee
Waiting List Priority	NRH Appeal Committee	n/a
Eligibility for Special Needs Units (related to modified units without supports)	NRH Appeal Committee	n/a
Eligibility for Special Needs Units for 6 Special Needs Housing Administrators (related to units with supports)	n/a	HP and/or Lead Agency Appeal Committee
RGI eligibility & payable	NRH Appeal Committee	HP Appeal Committee

NRH has established a local rule where housing providers are delegated the responsibility to hear all appeals (*status quo*).

New Requirement – Appeal Committee

The *HSA* requires housing providers to establish certain standards and rules for their appeal committees, which includes the following:

Standards

1. Committee members cannot have participated in the original decision being reviewed;
2. Committee members cannot have discussed the original decision with the decision-maker prior to the review; and,
3. An individual may only participate in a review as a member of the committee if the individual is knowledgeable about the provisions of the *HSA* and the regulations that are relevant to the decision being reviewed.

Procedural Rules

1. When a review can be requested;
2. When the decision must be made and when a notice of decision must be given; and,
3. Rules related to the appointment, removal and remuneration of appeal committee members.

Required Training for Appeal Committee Members

The *HSA* requires appeal committee members to be knowledgeable in *HSA* legislation, and receive training which may include:

1. Providing relevant sections of the legislation to members in advance of the meetings;
2. Reviewing the applicable legislation prior to the meeting to ensure all members are aware of the legislative requirements; and,
3. Arranging additional training through their sector organizations or NRH, as necessary.

Special Needs Housing Administrators – Appeal Committee

Special Needs Housing Administrators (SNHAs) may wish to structure their appeal committee to include members of the external support agency providing the supports, if applicable. The SNHA may delegate responsibility for appeals to the external support agency but the SNHA remains ultimately responsible for compliance with the *HSA*.

Housing Provider's Role

Housing providers are required to:

1. Ensure the housing provider Board of Directors review this Notice; and
2. Establish proper appeal committee policy and procedures, in compliance with the *HSA* requirements.

Service Manager's Role

The housing provider's appeal committee policy and procedures will be reviewed during operational reviews to ensure compliance with the *HSA*.

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

(Original signed by Lora Beckwith)

Lora Beckwith, General Manager