

City of Kingston  
Housing Department  
Community Services Group

Housing Department  
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**DIRECTIVE**

- ☒ Legislation/Regulation
- ☒ Operational (External)
- ☒ Operational (Internal)

Date: December 20, 2011  
Number: H-11-03

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The policies and procedures in this Directive are to be implemented under the following programs:

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|---|--|
| <input checked="" type="checkbox"/> Local Housing Corporation                           | <input checked="" type="checkbox"/> Urban Native Program |
| <input checked="" type="checkbox"/> Non-Profit Program                                  | <input type="checkbox"/> Social Housing Registry Program |
| <input checked="" type="checkbox"/> Co-Op Program                                       | <input checked="" type="checkbox"/> Federal Program      |
| <input checked="" type="checkbox"/> Rent Supplement Programs (Municipal and Provincial) |  |

\*Please note: If your program is not checked, this Directive doesn't apply to your project.

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**SUBJECT: New Housing Services Act and Regulations effective January 1, 2012**

**BACKGROUND:**

The *Social Housing Reform Act, 2000* (SHRA) is repealed and replaced with the *Housing Services Act, 2011* (HSA) effective January 1, 2012.

There are five (5) regulations under the HSA which replace the nine (9) regulations under the SHRA. The following four (4) regulations have been released and are to be implemented January 1, 2012. A copy of the *Housing Services Act* and these Regulations are available at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca).

- O. Reg. 367/11 - General Regulation (majority of details are contained in this regulation)
- O. Reg. 368/11 - List of Designated Housing Projects
- O. Reg. 369/11 - Subsidies for Part VII Housing projects
- O. Reg. 370/11 - High Need Households and Household Income Limits

The fifth regulation, O. Reg. 379/01 – Rent-Geared-To-Income Assistance and Special Needs, which will replace the section of O. Reg. 298/01 which pertains to rent-geared-to-income (RGI) calculation only, has not been released as yet.

The new Act and Regulations preserve the administrative and funding responsibility for housing with Service Managers and also provide greater flexibility to establish local rules and requirements in order to meet local housing needs.

This increased flexibility means that many processes, timelines and eligibility criteria that were legislated in the SHRA are not specified in the new Act and Service Managers are required to establish local policies to replace the formerly legislated rules.

Given the flexibility under the new legislation which provides the potential for changes, the Service Manager wishes to fully consider the current local rules wishes to undertake a stakeholder consultation to seek input prior to changing and/or establishing new local rules. There is, however, insufficient time to properly undertake an appropriate stakeholder consultation for input and development of the required rules and requirements for January 1, 2012. As a result, Housing Department staff are adopting a two phase approach to implementing the new Act and Regulations.

### **Phase 1**

New legislated mandatory rules which must be implemented January 1, 2012, as communicated in an email dated November 21, 2011, are attached to this Directive. For rules and requirements that were in force prior to January 1, 2012, and not outlined in the attached memo, the previous provisions of the Social Housing Reform Act and related Regulations and Service Manager Directives will be adopted as 'status quo' and implemented on January 1, 2012 on an interim basis. This Directive constitutes notice to you of these rules, to which you are required to comply pursuant to your operating agreement with the City of Kingston as Service Manager.

### **Phase 2**

Phase 2 will occur throughout 2012 which will allow time to receive meaningful stakeholder input and give full consideration regarding the entire scope of local rules required under the new Act and Regulations. Housing Department staff intend to complete a review of the policies and rules implemented on an interim basis in Phase 1. Through consultation with stakeholders, Housing Department staff will establish local rules which may or may not be different than those set in Phase I. Housing Providers will be advised and invited to participate in this review process. Once consultation is complete, policies will be written, adjustments will be made to existing forms and Directives, and written publication made available to housing providers and the general public.

### **ACTION TO BE TAKEN:**

Effective **January 1, 2012**, housing providers are directed to:

1. Adopt and implement the provisions of Social Housing Reform Act, related Regulations, Requirements, Rules and Policies that were in force on December 31, 2011 unless implementation conflicts with a **New Regulation, Requirement, Rule or Policy** under the *Housing Services Act* and its Regulations as described in Table 1 of this Directive; and
2. Where a conflict exists, implement the **New Regulation, Requirement, Rule or Policy** as the case may be, of the *Housing Services Act* and its Regulations as described in Table 1 of this Directive.
3. Ensure all staff responsible for the administration and management of the social housing program to which this Directive applies maintains familiarity with the *Housing Services Act* and its Regulations.

4. Ensure that a current copy of the *Housing Services Act* and its Regulations and this Directive is maintained for reference in the on-site office of all locations in the provider's portfolio.

If you have any questions, please contact one of the Housing Programs Administrators at 613-546-2695 as follows: Rob Rowe (ext 4911); Mary McIntyre (ext. 4948); Lee Campbell (ext 4916)

Sheldon Laidman  
Director, Housing Department

c      Lanie Hurdle, Commissioner, Community Services  
Liz Savill/Marian VanBruinessen/Susan Beckel, County of Frontenac  
Alan McLeod, Senior Legal Counsel, Legal Division  
Housing Programs Administrators

## MEMO

The *Housing Services Act, 2011* comes into effect January 1, 2012. This new Act provides more flexibility for Service Managers to develop local policies to meet our needs. At the Housing Provider meeting of October 27<sup>th</sup>, it was agreed that Housing Department staff would seek Council approval to adopt previously legislated requirements as local policies to allow time to review the Act in detail and identify those areas where there is discretion and where changes may be beneficial. The Information Report will go to Council on December 20, 2011. Housing Department staff will begin the process of setting up working groups in the New Year to develop new policies.

There are a few changes within the HSA that do not allow for discretion.

1. Previously the *Social Housing Reform Act* required households to report a change in their income and/or household composition within 10 days of the change. The HSA now requires households to report within at least 30 days. This change has been made in the lease Schedule A attached. **Please be sure to change any letters or forms that you may use which state 10 days.**
2. The HSA states that annual subsidy reviews must be completed at least once in every 12 months. For providers that complete reviews throughout the year based on original move in date, this will not be an issue. For providers that complete all reviews in the same month each year, you will need to ensure you complete reviews for all new tenants/members even though they may not have been in the unit for 12 months. The other option is to do the annual review 12 months after they have moved into the unit. If any providers feel this legislative change may be a burden and would like to look at options for a less comprehensive review, please advise the Housing Programs Administrators so this can be added to the items to be discussed in the New Year.
3. Overhoused households – Section 38 of O. Reg. 367/11 states that the Service Manager may make a local eligibility rule for overhoused tenants. The rule must state that the household cannot be deemed ineligible for RGI for 12 months after they are notified that they are overhoused. So this would mean that you cannot require them to move or deem them ineligible regardless of the number of offers and refusals. Until we are able to establish the new local rules, you are required to revise your letters related to overhoused tenants so that it does not restrict the number of offers a Landlord may receive in the first year. Once the 12 month period has expired, the previously legislated rule that households and applicants were deemed ineligible for RGI after refusal of 3 offers will apply until a new local policy is created.
4. A revised lease and schedules have been attached and should be used for any new tenancies effective January 1, 2012. You are not required to have all current tenants sign a new lease unless they are being signed for other reasons such as a change in household composition. The only change in the new lease is that “SHRA” has been replaced with HSA. The Schedule A has one change related to the 10 day rule as stated above (section 4 and 7).