



Number: H-20-02

Date: January 1, 2020

Subject: Over Housed Households

This Directive is to be implemented by Housing Providers listed under the following programs in Schedule 1 of Ontario Regulation 367/11:

- 1 (a) – Local Housing Corporation
 - 2 (a) and 2 (b) – Rent Supplement Programs
 - 6 (a) – Non-Profit Program
 - 6 (b) – Non-Profit Co-Op Program
 - Social Housing Registry
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Directives Archived and Replaced with This Directive:

Directive H-16-04, Over Housed Households

Background:

The Housing Services Act, 2011, section 42 (2) allows Service Managers to make local eligibility rules on prescribed matters set out in O. Reg. 367/11, sections 34 – 41.

O. Reg. 367/11, section 38, is a prescribed matter related to households in receipt of rent-geared-to-income assistance residing in a unit that is larger than the largest size permissible (over housed) in accordance with local occupancy standards. It states that a household is ineligible for rent-geared-to-income assistance if, after a year from being notified that it is in a unit that is larger than permitted, it refuses an offer to transfer to another unit that is permissible under the Service Manager's occupancy standards.

In consultation with Housing Providers, the Service Manager determined that over housed will not be a priority category on the Centralized Waiting List.

The Housing Services Act, section 53, states that a household must be given written notice of a decision concerning the size and type of unit permissible and section 156, states that the household may request a review of the decision.

Action to be Taken:

Housing Providers must refer to Directive H-16-03, Occupancy Standards to determine if a household no longer meets occupancy standards and is over housed.

The Social Housing Registry and Housing Providers shall review over housed household files currently on the Centralized Waiting List and/or on the Rent-Geared-to-Income Internal Transfer List and shall take necessary steps to meet the rules and process set out below and shall advise households, in writing, of any changes to their file or ranking on the Centralized Waiting List or Internal Transfer List.

Over housed Rules and Processes:

1. Housing Providers must notify the household, in writing, as set out in Directive H-16-01, Internal Reviews Conducted by Housing Providers that:
 - the household is over housed; and
 - the decision is reviewable and the process to request a review; and
 - during the first twelve months, being over housed is not grounds to deem a household ineligible for rent-geared-to-income assistance; and
 - the household must apply directly to the Social Housing Registry as a new applicant household if they want to be added to the Centralized Waiting List in the first twelve months; and
 - after twelve months, the household may remain eligible for rent-geared-to-income assistance if they follow the rules, which are:
 - they will be transferred to the Centralized Waiting List and all households except rural households must select at least three projects, not including rent supplement; and
 - if they do not select specific projects, their name will be added to all projects for which they are eligible.
2. Housing Providers must provide information to households about their internal transfer policy if the Housing Provider has units of the appropriate size for the household.
3. If the household remains over housed twelve months after the date of the Notice of Decision, the Housing Provider will complete and forward the “Over Housed Household Transfer to the Centralized Waiting List” form to the Social Housing Registry along with supporting documentation.
4. The Housing Provider shall notify the household that their name has been transferred to the Centralized Waiting List and the household may remain on the Internal Transfer List.
5. Housing Providers must notify the Social Housing Registry if a household is no longer considered over housed or vacates the unit or becomes ineligible for rent-geared-to-income assistance.
6. The Social Housing Registry shall place the households on the Centralized Waiting List with a date that is twelve months from the date of the Notice of Decision or if the household is an eligible applicant on the Centralized Waiting List, the date of that application. There will be no priority on the Centralized Waiting List for over housed households.
7. The Social Housing Registry will place the household on all lists the household qualifies for and will send a list of addresses to the household along with the following information:
 - All households, except rural households, remain on all subsidiary lists unless they select a minimum of three projects not including rent supplement; and
 - The household may select projects operated by their current Housing Provider; and
 - The household may change their selections providing they maintain the minimum number of projects; and

- The household will become ineligible for rent-geared-to-income assistance if they refuse an offer including an offer of an internal transfer by the Housing Provider; and
8. On an annual basis the Social Housing Registry will contact the Housing Provider to confirm that the household is still eligible for rent-geared-to-income assistance and remains over housed.
 9. Upon refusal of the first offer, the Social Housing Registry notifies the Housing Provider and removes the household's name from the Centralized Waiting List.
 10. Upon notification of the first refusal, the Housing Provider will notify the household, in writing, that the household is no longer eligible for rent-geared-to-income assistance and shall follow the internal review process, set out in Directive H-16-01, Internal Reviews Conducted by Housing Providers, to revoke subsidy.

The Social Housing Registry shall maintain and revise, as necessary, the internal form(s) related to this Directive and shall provide electronic copies of the forms to Housing Providers.

Reference:

- Housing Services Act, 2011, section 42 – Eligibility rules
- Housing Services Act, 2011, section 53 - Notice of certain decisions
- Housing Services Act, 2011, section 156 - Reviews requested by households
- O. Reg. 367/11, section 38, Local rule — ceasing to meet occupancy standards
- Directive H-20-01, Offers and Refusals of an Rent-Geared-to-Income Unit by Households
- Directive H-16-03, Occupancy Standards
- Directive H-16-01, Internal Reviews Conducted by Housing Providers

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