



Number: H-20-09

Date: July 1, 2020

Subject: Review of RGI Eligibility by Housing Providers

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
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Directives Archived and Replaced with This Directive

Directive 06-03, Eligibility reviews to be conducted by Housing Providers, and
Directive 06-04, Eligibility reviews to be conducted by The Social Housing Registry
Directive H-13-11, Review of RGI Eligibility by Housing Providers

Background:

The *Housing Services Act, 2011* (HSA), section 52, states that Service Managers must determine whether households in receipt of rent-gear-to-income (RGI) assistance continue to be eligible for RGI assistance in accordance with the eligibility rules referred to in the HSA, section 42.

O. Reg. 367/11, section 29, states a household ceases to be eligible for RGI assistance if the household fails to provide the information requested by the Service Manager to complete the review of eligibility.

O. Reg. 367/11, section 59, states that the review of eligibility must be completed at least once in every 12 months and may be completed more often if the Service Manager considers it to be appropriate. O. Reg. 298/11 is revoked and replaced with O. Reg. 316/19 which stipulates, under section 11, the circumstances in which geared-to-income rent payable may be reviewed before the 12 month review.

O. Reg. 367/11, section 60 sets out rules when it is appropriate to waive the requirement for households to provide documents or information requested by the Service Manager.

O. Reg. 367/11 has been amended and, section 29.1 has been added, Cessation of eligibility — failure to file tax returns. This section stipulates that a household that has been receiving rent-geared-to-income assistance ceases to be eligible for such assistance if a member of the household whose income is to be included in the calculation of the geared-to-income rent payable by the household has not filed a return of income under the *Income Tax Act (Canada)* before the day an annual review of the household's geared-to-income rent commences. It also stipulates that the household may remain eligible for rent-geared-to-income assistance if the service manager is satisfied that there are extenuating circumstances. The household that is ineligible for rent-geared-to-income assistance may no longer be ineligible once the return of income is filed.

Action to be Taken:

Housing Providers must complete an eligibility review with each household at least once in every 12 months, and more often if deemed appropriate, to determine:

- if the household continues to meet the eligibility rules for RGI assistance as set out in Directive H-20-05, Eligibility Rules for Rent Geared-to-Income (RGI) Assistance; and
- if the household continues to meet occupancy standards in their current unit as set out in Directive H-16-03, Occupancy Standards; and
- the amount of rent payable by the household.

Annual Reviews:

If Housing Providers complete all eligibility reviews during the same month each year, new households may be required to complete an eligibility review before their 12 month anniversary in order to fall in line with the Housing Provider's established review schedule.

Housing Providers shall advise the household of the eligibility review, the documents required to be provided by the household, and the timeline for providing the required documents. Housing Providers may, also, request the Social Housing Registry (Registry) to complete a "former tenant arrears" check if deemed appropriate.

If the household cannot provide all of the required documents, the Housing Provider may waive the requirement to produce such documents if:

- the Housing Provider is satisfied that the inability to provide the documents is reasonable, or
- the Housing Provider, whose mandate is to house homeless and hard to house households, believes it is not appropriate to require the documents or information; or
- the household was originally housed from the Special Priority category and the household believes that he or she will be at risk of being abused by the abusing individual if he or she attempts to obtain the information or documents; and
- the household has provided sufficient documentation to enable the Housing Provider to calculate rent and determine continued eligibility for RGI assistance.

A household ceases to be eligible for RGI assistance if a member of the household whose income is to be included in the calculation of the rent payable by the household has not filed a return of income under the *Income Tax Act (Canada)* before the day an annual review of the household's geared-to-income rent commences.

Housing Providers may determine that the household remains eligible for RGI assistance if there are extenuating circumstances to the member not being able to provide the return of income.

Housing Providers may determine that a household that is ineligible for RGI assistance is no longer ineligible once the return of income is filed.

If the household fails to provide the required documentation or members have not filed their income tax and the Housing Provider is not satisfied that extenuating circumstances exist, the Housing Provider may deem the household ineligible for RGI assistance and shall follow the internal review process set out in Directive H-20-04, Internal Reviews Conducted by Housing Providers, to revoke subsidy.

In-Year-Reviews

A household may request a review of RGI payable once between annual reviews, or between the initial calculation of RGI payable and the first annual review if the household believes that the total net income of the household members included in the previous review has decreased by 20 percent or more since that review. The total net income of those members whose income is included in the calculation of RGI payable shall not exceed 80 per cent of the total net income calculated on the previous review. This may be requested once per year.

Additionally, the housing provider may complete an in-year review in any of the following circumstances:

- There has been a permanent change in household composition since the initial or previous annual review, as applicable.
- A member of the household has started full-time attendance at a recognized educational institution since the last review.
- A member of the household whose income was not included in the calculation of RGI payable because the member was in full-time attendance at a recognized educational institution has ceased full-time attendance at such an institution.
- A member of the household has begun to receive or has stopped receiving basic financial assistance under the Ontario Works Act, 1997 or income support under the Ontario Disability Support Program Act, 1997 since the move in review or the last annual review, as applicable.
- The taxes of a member of the household whose tax information was used in calculating the RGI payable have been reassessed or additionally assessed under the Income Tax Act (Canada) since the move in or last annual review, as applicable.
- The housing provider projects that the average monthly non-benefit income of a benefit unit in the household for the next 12 months will exceed the applicable monthly non-benefit income limit set out in Column 3 of Tables 1 to 3 as set out in O. Reg. 316/19 section 12.

If on a review under this section (in-year review), it is determined that the RGI payable by the household should be increased by an amount less than \$10, the increase shall not be implemented.

Reference:

Housing Services Act, 2011, section 42 – Eligibility rules
Housing Services Act, 2011, section 52 - Review of continued eligibility
O. Reg. 367/11, section 59 - Review of continued eligibility, timing of reviews
O. Reg. 367/11, section 60 - Review of continued eligibility, requirements
O. Reg. 367/11, section 29 - Cessation of eligibility - failure to provide information
O. Reg. 367/11, section 29.1 – Cessation of eligibility – failure to file income tax returns
O. Reg. 316/19, section 11 - In-year review of geared-to-income rent payable
Directive H-20-05, Eligibility Rules for Rent Geared-to-Income (RGI) Assistance
Directive H-16-03, Occupancy Standards
Directive H-20-04, Internal Reviews Conducted by Housing Providers

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