

CITY GUIDELINE

Number: 2013-9

Date Issued: September 6, 2013

Effective Date: Immediately

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> HSA*, Section 78 Market and RGI** | <input type="checkbox"/> Non-Profit Housing Section 95 |
| <input checked="" type="checkbox"/> HSA, Section 78 100% RGI | <input checked="" type="checkbox"/> Rent Supplement Programs |
| <input type="checkbox"/> Federal Non-Profit Housing Section 26/27 | <input checked="" type="checkbox"/> Toronto Community Housing Corporation |

Please note: If your program is not checked, this City Guideline does not apply to your project.

* *Housing Services Act*, ***Rent-Geared-to-Income*

Subject: Local Eligibility Rule - Absence from Unit

Background:

Regulation 367, Section 37 of the *Housing Services Act* (HSA) gives the City of Toronto, as Service Manager, the ability to create local eligibility rules about absence from a unit. The local rules can specify either or both the maximum number of consecutive days and/or the maximum number of days in a year that a household can be absent from their unit.

City Guideline 2002-3 (revised June 1, 2004) has been revoked and replaced with City Guideline 2013-9. This Guideline directs housing providers to comply with the Local Rule -Absence from Unit as published in Chapter 3 of the RGI Guide. The revised Local Rule is effective for all new absences.

The full text of the Local Rule - Absence from Unit is included below:

- 1) A household is no longer eligible for RGI assistance if:

- a) **all** members of the household have been absent from their unit for **more than 90 consecutive days**; or
- b) **all** members of the household have been absent from their **unit for more than 90 days in total** in a 12 month period.

Exceptions:

Short Absence

i. An absence of 7 consecutive days or less will not be counted in condition 1.(b) above.

Medical Condition of a Member of the Household

ii. If a household has only one member and that member has a medical condition that makes it necessary to temporarily leave the unit, the household will not be considered absent from the unit.

iii. If a household includes one or more members who have a medical condition that makes it necessary to temporarily leave the unit, and as a result other household members are also absent because they are accompanying them, the household will not be considered absent from the unit.

Note: This exemption applies **only if a member of the household has a medical condition**. It does not apply when the person with a medical condition is not a member of the household.

Housing Provider Policy on Medical Conditions Required

iv. Housing providers must develop a fair policy for deciding what a valid medical reason is and what supporting documents they will accept. This policy must be applied consistently. An example of a valid medical reason for absence may be a long stay in a hospital, rehabilitation, or treatment facility. This must be supported by documentation from a medical professional that details the condition and the reasons for the absence.

Absences Due to Criminal Charge/Conviction

v. If a household has one member, and the member is absent because they are being held in jail while awaiting trial, the household will not be considered absent from the unit.

vi. If a household has one member, and a bail condition of release prevents the member from living in the unit, the household will not be considered absent from the unit.

vii. If a household has one member, and the member has been convicted of an offence, the household will be considered absent from the unit for more than 90 days if the jail time to be served is greater than 90 days.

Note: Being convicted of a criminal offence does not make someone ineligible for RGI subsidy (unless the conviction is for RGI fraud or misrepresentation). However, someone who is convicted of a crime may serve a sentence that makes them absent from their unit for more than 90 days. In this case this Local Rule – Absence from Unit applies.

- 2) Housing providers may extend the time a household may be absent from a unit in extenuating circumstances. This applies if a housing provider has reviewed appropriate documentation from the household and has decided that there is a legitimate reason for an extension.
- 3) Housing providers must include the requirement to comply with the Local Rule - Absence from Unit in the Consent and Declaration section of their household income and assets review form. See the sample Household Income and Assets Review form in the RGI Guide, [Chapter 10](#), Appendix 1, page 11.

Action Required:

1. Housing providers must enforce the Local Rule-Absence from Unit as published in the RGI Guide, [Chapter 3](#).
2. Housing providers must inform their residents about the Local Rule - Absence from Unit.

Helpful Hints:

- ✓ The following are methods by which housing providers could inform their residents about the Local Rule - Absence from Unit:
 - update documents and forms to include references to the rules
 - discuss the rules with households at the initial lease interview
 - include the rules in a tenant/member handbook

For more information, or if you have questions, please contact your Social Housing Consultant.

Original Signed

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