

CITY GUIDELINE

Number: 2012-1

Date Issued: December 23, 2011

Effective Date: January 1, 2012

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 type="checkbox"/> Rent Supplement |
| <input type="checkbox"/> Federal Non-Profit Housing Section 26/27 | <input 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, formerly section 110 of the Social Housing Reform Act* ***Rent-Geared-to-Income*

Subject: Implementation of the *Housing Services Act, 2011*

Background:

The *Housing Services Act, 2011* (HSA) is expected to be proclaimed on January 1, 2012. It will replace the *Social Housing Reform Act* (SHRA). The HSA and its regulations will govern the administration of the City of Toronto's social housing programs. This City Guideline is being issued to provide direction to continue with legislative, regulatory and City policies that were created by or under the authority of the SHRA.

The key regulations of the HSA are:

- Regulation 367 - this includes many of the rules under which housing providers must administer their housing projects.
- Regulation 369 - this includes the rules under which housing providers are funded.

- Regulation 298 - Part VII only of the SHRA's Regulation 298 becomes Regulation 298 under the HSA - this includes the rules for determining RGI rent as well as effective dates for rent changes.

The HSA allows municipal service managers to make more local rules than were authorized under the SHRA. Where it is necessary as a transitional measure, the City is adopting the provisions of the SHRA and regulations as its local rule or policy under the HSA. If the City decides to change a local rule or create a new local rule, the Social Housing Unit will issue a new City Guideline.

When the City assumed responsibility for the funding and administration of social housing, housing providers signed RGI Service Agreements with the City. These agreements will continue in effect. All HSA provisions and local rules about RGI administration are included in the City's RGI Guide.

Housing providers are to continue complying with all current rules and policies, except the changes detailed (1 to 7) below:

1. "Internal review" under the SHRA has been replaced by "review" by a "review body" in the HSA. Housing Providers will continue to conduct reviews of housing provider decisions as required by the RGI Service Agreement, but not reviews of decisions to remove RGI eligibility. The Social Housing Unit will issue a City Guideline on this subject.
2. "Opportunity to comment" is not in the HSA. Housing providers will no longer give households an "opportunity to comment" on adverse decisions. There will no longer be any need to delay effective dates for mid-year review decisions because of the opportunity to comment.
3. The SHRA section on "pursuit of income" has been renamed "failure to obtain income" in the HSA. Housing providers cannot ask households to apply for the Canada Pension Plan or private pensions, but must continue to ask households to apply for pensions that they may be eligible for under the *Old Age Security Act*. There is no change in the other types of income that a household can be asked to obtain.
4. Overhoused households will not lose eligibility for RGI assistance during the first year after being notified by the housing provider that they are overhoused. The Social Housing Unit will issue a City Guideline on offer refusals by overhoused households.
5. The service manager's system for selecting households must include rules for providing RGI assistance to market rent households in designated social

housing projects. The Social Housing Unit will issue a City Guideline on this subject.

6. Housing providers can no longer refuse to offer a unit because they believe the physical characteristics of the unit or level of care available (for special needs households) make it unsuitable.
7. Housing providers must have:
 - a. a plan for training the staff and volunteers
 - b. a succession plan for the board of directors
 - c. a plan for educating co-operative members about co-operative governance

The HSA permits but does not require housing providers to obtain consent to collect personal information for the purpose of administering the RGI assistance program. This City Guideline provides direction to include a consent statement in application forms and income and asset verification forms.

A chart that details the changes under the *Housing Services Act* and the implications for housing providers is attached to this City Guideline as Appendix A.

The City of Toronto's [RGI Guide](#) has been updated to reflect the changes in RGI administration.

Action Required:

- 1) Housing providers must comply with their RGI Service Agreements in their administration of the RGI assistance program.
- 2) Housing providers must administer their housing projects in accordance with all City Guidelines.
- 3) Housing providers must comply with the *Housing Services Act* and its regulations in the areas that are not subject to local rules (see background points 2, 3, 4, 6 and 7).
- 4) Housing providers must comply with the rules in SHRA Regulations 298 and 339 in those areas where the HSA permits or requires local rules and where the City has not yet issued a City Guideline.
- 5) Housing providers' application forms and income and asset verification forms must include consent to the collection of personal information for the purpose of administering the RGI assistance program.

- 6) Housing providers must continue to comply with the standards for housing providers set out in the SHRA, Regulation 339:
 - a. Conflict of interest
 - b. Minimum number of board meetings
 - c. Remuneration of directors
 - d. Property management for Part VII housing providers, including procurement and contracts
 - e. Leases for units in part VII projects

Helpful Hints:

- ✓ Refer to the [RGI Guide](#) on the social housing website to ensure that you are working with the current version.
- ✓ Leases, letters and forms used after January 1, 2012 must include *Housing Services Act* references.
- ✓ City Guidelines can be viewed by clicking on this link:
http://www.toronto.ca/housing/social_housing/guidelines_intro.htm
- ✓ The *Housing Services Act* is available at the Ontario e-laws website at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_11h06_e.htm.
- ✓ SHRA Regulations 298 and 339 will be removed from e-laws once the HSA is proclaimed but will be available on the social housing website.
- ✓ Housing providers can view the HSA regulations at www.e-laws.gov.on.ca or by clicking on these links:
 - Ontario Regulation 367/11 – General
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110367_e.htm#BK124
 - Ontario Regulation 298/01 - Determination of Geared-to-Income Rent Under Section 50 of the Act - only definitions and PART VII apply as of January 1, 2012
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_010298_e.htm

- Ontario Regulation 369/11 – Subsidies for Part VII Providers
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110369_e.htm
- Ontario Regulation 368/11 – Designated Housing Projects – Section 68 of the Act
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110368_e.htm
- Ontario Regulation 370/11– High Needs Household and Household Income Limits – Subsection 40 (4) of the Act
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110370_e.htm

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

Original Signed

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Attachment:
Appendix A - The *Housing Services Act* - Implications for Housing Providers

Appendix A to City Guideline 2012-1

The *Housing Services Act*: Implications for Housing Providers under City of Toronto Administration

HSA and SHRA section	Topic	What is changing in legislation	Is this a change for housing providers?	Implications for Housing Providers
HSA, s.17 SHRA, s.16	Delegation of responsibilities	The HSA gives service managers the authority to delegate RGI administration and waiting list management.	No	Housing providers must continue to comply with their RGI Service Agreements and City Guidelines.
HSA, s. 155-157 SHRA, Reg 298, s.57-59	System for dealing with reviews	<p>The service manager must have a system to review decisions about eligibility for RGI assistance and RGI rent, when requested by a member of a household.</p> <p>The system must include a review body.</p> <p>"Internal review" has been replaced by "review".</p>	Yes	<p>The City of Toronto is assuming the review function for housing provider decisions to remove eligibility for RGI assistance.</p> <p>Housing providers will be responsible for the review of all other housing provider decisions.</p> <p>A new City Guideline will direct housing providers to conduct procedurally fair reviews.</p>
SHRA, s.80 and Reg 298, s.55 No HSA reference	Opportunity to comment	Opportunity to comment provisions that were in Regulation 298 of the SHRA have been removed.	Yes	<p>Housing providers will no longer give households an "opportunity to comment" on adverse decisions.</p> <p>There will no longer be any need to delay effective dates because of the opportunity to comment.</p>

HSA and SHRA section	Topic	What is changing in legislation	Is this a change for housing providers?	Implications for Housing Providers
				<p>A decision to increase rent (annual review) will be effective on the first day of the second month following the notice of decision.</p> <p>A decision to increase rent (mid-year review) will be effective on the first day of the second month after the change in income.</p>
HSA, Reg 367, s.28 SHRA, Reg 298, s.10	Cessation of Eligibility: failure to notify of changes	<p>Households must report changes within 30 days or such longer period as the service manager may allow.</p> <p>The City of Toronto chose 30 days as the time period for reporting changes.</p>	No	Housing providers and households must continue to comply with City Guideline 2008-3.
HSA, Reg 367, s.31 SHRA, Reg 298, s.12	Cessation of Eligibility: failure to obtain income	<p>In the SHRA, Regulation 298, this section was titled: failure to pursue income. The intent remains the same.</p> <p>Households are required to try to obtain pension income under Part I or II of the <i>Old Age Security Act</i>.</p>	Yes	Households do not have to try to obtain income from Canada Pension Plan or private pensions since they do not fall under the <i>Old Age Security Act</i> .

HSA and SHRA section	Topic	What is changing in legislation	Is this a change for housing providers?	Implications for Housing Providers
HSA, Reg 367, s.36 SHRA, Reg 298, s.7	Local Rule - Certain Convictions	The Act permits service managers to have a local rule that a household is not eligible for RGI assistance if a household member was convicted of an offence related to receipt of RGI assistance.	No	The 2 year rule in Regulation 298 will remain in effect.
HSA, Reg 367, s.37 SHRA, Reg 298, s.13	Cessation of Eligibility - Absence from unit	<p>In the SHRA, Regulation 298, a service manager's local rule could set a maximum number of consecutive days of absence. Under the HSA, the rule can also set out a maximum number of days per year of absence, or both.</p> <p>At present, the City of Toronto's local rule permits 120 days of consecutive absence.</p>	No	<p>The City of Toronto will review the absence from unit rule for possible changes in 2012.</p> <p>In the interim, housing providers must continue to comply with City Guideline 2002-3 (revised June 1,2004)</p>
HSA, Reg 367, s.38 SHRA, Reg 298, s.33 and s. 12	Local rule - Ceasing to meet Occupancy Standards	Under the SHRA Regulation 298, overhoused households cease to meet occupancy standards and are required to move in order to maintain RGI eligibility.	Yes	The current rules for overhoused households in Regulation 298 will stay in effect, except that households who refuse 3 offers cannot lose eligibility for RGI until they have been overhoused for 12 months.

HSA and SHRA section	Topic	What is changing in legislation	Is this a change for housing providers?	Implications for Housing Providers
		<p>Under the HSA, Service managers may decide if and when overhoused households cease to meet occupancy standards and are required to move.</p> <p>Overhoused households will not lose eligibility for RGI assistance:</p> <ul style="list-style-type: none"> • during the first year after being notified by the housing provider that they are overhoused • if they are complying with the local rules for overhoused households 		<p>The City of Toronto will review the rules for ceasing to meet occupancy standards for possible changes in 2012.</p> <p>One year after they are notified that they are overhoused, households must be placed on the centralized waiting list and must select 5 preferences.</p>
HSA, Reg 367, s.39 SHRA, Reg 298, s. 12	Local Rule - refusal of offers	<p>Under the SHRA, Regulation 298, a household loses eligibility if the household refuses 3 offers.</p> <p>Under the HSA, the service manager can decide how many offers a household can refuse before losing eligibility for RGI (must be at least 3).</p>	No	<p>Households will lose eligibility for RGI assistance if they refuse 3 offers.</p> <p>The City of Toronto will review the rules for refusal of offers for possible changes in 2012.</p>

HSA and SHRA section	Topic	What is changing in legislation	Is this a change for housing providers?	Implications for Housing Providers
HSA, Reg 367, s.42 SHRA, Reg 298, s.31	Local rule - Occupancy Standards	<p>There are no longer any default occupancy standards in regulation. Each service manager must adopt occupancy standards.</p> <p>The City of Toronto adopted local occupancy standards in 2002, amended in 2011 (City Guideline 2011-1).</p>	No	<p>The City of Toronto will review the local occupancy standards for possible changes in 2012.</p> <p>In the interim, housing providers must continue complying with City Guideline 2011-1.</p>
HSA, s.47 and Reg 367, s.45-51 SHRA, Reg 298, s.35-44 and SHRA,s.9-17	System for selecting waiting households	The service manager must have a system for selecting households that includes a centralized waiting list.	No	The City of Toronto is currently reviewing options for the access system. In the interim, the City of Toronto will continue with the current waiting list system managed by Housing Connections, including local access priorities.
HSA, s.47 and Reg 367, s.47 SHRA, Reg 339, s.14	System for selecting waiting households	The system must include rules for how housing providers will select households to receive RGI.	No	The current rules for selecting tenants in Regulation 339 will stay in effect, with some exceptions (see "Internal Transfers", "Market rent households in social housing" and "System Requirements - Refusal by Housing Provider" below).
HSA, Reg 367, s.47 No SHRA reference	Transfers from other service areas	The service manager's rules may permit transfers from other service areas, if there is an exchange arrangement.	No	The City of Toronto is not considering an exchange system between service areas at this time.

HSA and SHRA section	Topic	What is changing in legislation	Is this a change for housing providers?	Implications for Housing Providers
HSA, Reg 367, s.47 SHRA, Reg 339, s.11	Internal Transfers	A service manager's system for selecting waiting households may include rules on when to offer vacant units to internal transfer applicants.	No	<p>The City of Toronto will review procedures for internal transfer for possible changes in 2012.</p> <p>In the interim, housing providers must continue to follow existing internal transfer rules in the SHRA, Regulation 339.</p>
HSA, Reg 367, s.48 SHRA, Reg 339, s. 14.1	Market rent households in social housing	<p>The service manager's system for selecting households must include rules for providing RGI assistance to market rent households in designated social housing projects. These applicants must be on the centralized waiting list.</p> <p>Housing providers will be able to provide RGI assistance if they have service manager consent. Allocation must be in accordance with the service manager's priority rules.</p>	Yes	<p>A market rent household will not need to be at the top of the subsidiary list to get RGI assistance. The housing provider will not have to be below a minimum target to offer RGI assistance to an in-situ market rent household.</p> <p>The City of Toronto will issue a new City Guideline on allocating subsidy to in-situ market rent households. Housing providers must continue to comply with City Guideline 2003-11 (revised September 14, 2007) - <i>Social Housing Market Households Applying for RGI Subsidy</i>.</p>
HSA, Reg 367, s.50 SHRA, Reg 339,	System Requirements - Refusal by Housing	Under the SHRA, a housing provider could refuse to offer a unit if they deemed it to be	Yes	Housing providers can no longer refuse to offer a unit because they believe the physical characteristics of the unit or level

HSA and SHRA section	Topic	What is changing in legislation	Is this a change for housing providers?	Implications for Housing Providers
s. 18	Provider	<p>unsuitable for an applicant (physical characteristics of the unit or level of care).</p> <p>This is not present in the HSA.</p>		<p>of care available make it unsuitable (non-special needs units).</p> <p>Note: Special needs applicants can still be screened for level of care required.</p>
HSA, Reg 367, s.52 SHRA, Reg 298, s.41-43	Priority rules	<p>A service manager's system for selecting households must give first priority to Special Priority applicants who are victims of abuse.</p> <p>As before, a service manager's local access priorities will not take precedence over Special Priority.</p>	No	<p>The City of Toronto is currently reviewing options for the access system, including local access priorities.</p> <p>In the interim, housing providers must continue complying with City Guideline 2003-4 Local Access Priorities.</p>
HSA and SHRA, Reg 298, Part VII	Amount of geared to income rent	Section VII of the SHRA Regulation 298 stays in effect. Title is changed to Determination of Geared-to-Income Rent Under Section 50 of the Act. The rest of the Regulation is revoked and replaced by Regulation 367.	No	The Province is continuing work on a redesigned income tax based RGI program.

HSA and SHRA section	Topic	What is changing in legislation	Is this a change for housing providers?	Implications for Housing Providers
HSA, Reg 367, s.87 No SHRA reference	Housing provider plans	Housing providers must have: <ul style="list-style-type: none"> • a plan for training the staff and volunteers • a succession plan for the board of directors • a plan for educating co-operative members about co-operative governance 	Yes	Housing providers will need to prepare their plans.
HSA, Reg 367, s.100 SHRA, Reg 339, s.4, 6, 8, and 21-22	Limits of Local Standards	Service managers local standards will replace the standards that were in Regulation 339 for <ul style="list-style-type: none"> • Conflict of interest • Minimum number of board meetings • Remuneration of directors • Property management for Part VII housing providers, including procurement and contracts • Leases for units in part VII projects 	No	The City of Toronto will review the standards for the operation of housing projects for possible changes in 2012. In the interim, the standards for the operation of housing projects as stated in the SHRA, Regulation 339 will stay in effect.