

City Guideline – 2021-11: One Offer for RGI Assistance – Over-housed & In-situ Households

Date issued	Effective date
December 2, 2021	January 1, 2022

Applicability to Social Housing Programs

The City Guideline is applicable to the programs indicated in the table below.

Applicability Program

✓	Housing Services Act, Part VII Housing Projects, Market and Rent-Geared-to-Income, Section 78 Housing Providers (formerly 110)
✓	Housing Services Act, Part VII Housing Projects, 100% Rent-Geared-to-Income, Section 78 Housing Providers (formerly 110)
	Federal Non-Profit Housing, Section 26/27
	Federal Non-Profit Housing, Section 95
✓	Rent Supplement Programs for Sections 26, 27, 95 and New Affordable Housing Providers
✓	Toronto Community Housing Corporation

If your program is not checked in the Applicability column, this City Guideline does not apply.

About City Guidelines

Under the authority of the Housing Services Act, the City of Toronto, Shelter, Support and Housing Administration (SSHA) Division City Guidelines and Rent-Geared-to-Income (RGI) Manual are the authority for housing administration and RGI administration for social housing providers in the City of Toronto.

City Guidelines are the City of Toronto's mandatory policies and procedures that social housing providers must follow. City Guidelines are most often issued when a Local Rule is established by the City of Toronto, the Rent-Geared-to-Income (RGI) manual is updated, or other relevant legislative changes or operational requirements occur. City Guidelines which impact RGI have been incorporated into the RGI Manual.

Please see www.toronto.ca/socialhousing for more information.

Background

The *Housing Services Act, 2011* (HSA), and its accompanying regulations, outlines the requirements that the City of Toronto as Service Manager for the Rent-Geared-to-Income (RGI) program must follow.

On September 23, 2019, the Province of Ontario released a number of significant changes to the HSA and its regulations. Among these changes, O. Reg. 367/11 s. 32.2 and s. 38, reduce the number of offers for suitable RGI housing/assistance that a household can refuse from three (3) to one (1) before ceasing to be eligible for RGI assistance:

- over-housed households who have been over-housed for at least one year and must move to an appropriately sized unit; and
- market households requesting RGI in their current unit (in-situ).

The City of Toronto is implementing these changes effective January 1, 2022.

The New Local Rule: Over-housed Households

Under this new rule, over-housed households remain eligible for RGI assistance for the first year (12 months) after they are notified by their housing provider that they are over-housed. Households may refuse as many offers as they choose within the first year of being notified that they are over-housed. However, refusal of one (1) offer of suitably sized housing made after the first year (12 months) will result in the household being issued a Notice of Decision – Loss of Eligibility for RGI Assistance.

Over-housed households must be added to the Centralized Waiting List (CWL) immediately upon being notified of their over-housed status. The household may also choose to be added with over-housed priority to their housing provider's internal transfer list for the building/development (for TCHC the Tenant Services Hub) where they currently live, however this is not required.

When an over-housed household is placed on the CWL they will have thirty (30) days from receiving their login information to select five (5) Wards that they are willing to move to. If the required Wards have not been selected, Access to Housing will select five (5) Wards for the household. They will select the household's current Ward and four adjacent Wards. Households will be notified that five Wards have been selected on their behalf. They may change the Ward selection from their MyAccesstoHousingTO account, but they must maintain a minimum selection of five wards.

All over-housed households will have the opportunity to voluntarily participate in the MyAccesstoHousingTO Expression of Interest (EOI) process for upcoming vacancies at any time. After a household has been over-housed for one year (12 months) and the

household has not received a successful offer of housing, their participation will be mandatory in all subsequent cycles for vacancies for which they are eligible. The household will be allocated the first unit for which they are the top ranked household.

The New Local Rule: Market households requesting RGI (In-situ)

For market households requesting RGI assistance in their current units, if a household refuses one (1) offer of RGI assistance they will be deemed ineligible for RGI housing and will be removed from their housing provider's internal waiting list and the CWL.

Review of Decisions

Households have the right to request a review of a decision that they are over-housed. This review is conducted by the housing provider.

If a Notice of Decision – Loss of Eligibility for RGI Assistance is issued to an over-housed household because they refused an offer of housing, the household may request a review of this decision. This review is conducted by the City of Toronto.

An offer of housing made to an over-housed household will not be counted as a refusal if the City determines that there are extenuating circumstances.

Actions required

1. Prior to January 1, 2022, housing providers must make reasonable efforts to communicate the upcoming rule changes to current RGI and Market rent households.
2. Prior to January 1, 2022, housing providers must update their relevant processes, documents and policies, including their over-housed notices and internal transfer policies, to reflect the new local rule.
3. Prior to January 1, 2022, housing providers must train all RGI administrators on the new regulation and to the use of relevant documents, policies and processes.
4. As of January 1, 2022, housing providers making offers of RGI housing to over-housed RGI households, must inform the household that one (1) refusal will result in the issuance of a Notice of Decision - Loss of Eligibility for RGI Assistance.
5. When informing a household of their over-housed status, housing providers must issue to the household the City's mandatory Notice of Decision – Over-housed.
6. Housing providers must submit the Over-housed Household Provider Confirmation form to Access to Housing (through RENTCafé) immediately after notifying the household of their over-housed status.

7. Housing providers must update their internal transfer lists to include only those over-housed households who want to remain on the internal transfer lists with over-housed priority for the building/development (for TCHC the Tenant Services Hub) in which they currently live.
8. As of January 1, 2022, housing providers must inform over-housed households to select five (5) Wards, within which they would accept a transfer. If an over-housed household does not select five Wards, Access to Housing will select five (5) Wards on their behalf and notify them of the selection.
9. As of January 1, 2022, all households who have been over-housed for one year (12 months) from the date the over-housed Notice of Decision – Over-housed was issued, are required to accept the first offer of suitable housing. If the offer is refused, the housing provider must issue the household a Notice of Decision - Loss of Eligibility for RGI.

Questions

If you have any questions, please contact your Housing Consultant or HSS:

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ORIGINAL SIGNED

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