

Program Instructions



This Program Instruction applies to the following:

- ✓ York Region Housing Access Unit
- ✓ HSA Part VII Housing Providers (Provincial Reform)
- ✓ Rent Supplement – Social Housing Rent Supplement Program
- ✓ Rent Supplement – Commercial and Strong Communities
- ✓ Former Federal Program Housing Providers (s.15.1/27, s. 56.1/95)

Housing York

- ✓
 - ✓ Public Housing
 - ✓ HSA Part VII

RENT-GEARED-TO-INCOME OCCUPANCY STANDARDS IN YORK REGION

This Program Instruction repeals Program Instructions #2004-04 and #2012-05

Effective Date: January 1, 2021

Summary

This Program Instruction sets York Region's occupancy standards for rent-geared-to-income (RGI) assistance and a local eligibility rule for overhoused households receiving RGI. York Region's occupancy standards define the smallest unit and largest unit for which a subsidized household is eligible. Households must occupy a unit within this range. Households can request additional bedrooms under specified circumstances.

Community and Health Services

Housing Services

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Background

Section 43 of the *Housing Services Act, 2011* and section 42 of *O. Reg. 367/11* require Service Managers to establish occupancy standards regarding the size and type of unit in which an RGI household can occupy. To maintain eligibility for RGI, households must occupy an appropriately sized unit. If there are changes to household composition, households may be required to move to a different unit within the housing provider's community.

In York Region, the Housing Access Unit (HAU) determines the largest and smallest unit size for wait list applicants. Applicants can choose to be put on the wait list for housing locations that have unit sizes within the range of the smallest and largest unit for which they have been approved. Housing providers must offer applicants a unit that is within the approved range.

Occupancy Standards

DETERMINING SMALLEST UNIT FOR A HOUSEHOLD

The occupancy standard for the smallest unit a household may be offered is one bedroom for every two members of the household, and an extra bedroom if the number of household members is odd.

Example: The smallest unit a couple with two children may be offered is a two-bedroom unit. The smallest unit a couple with three children may be offered is a three-bedroom.

DETERMINING LARGEST UNIT FOR A HOUSEHOLD

The occupancy standard for the largest unit a household is eligible to occupy is one bedroom for every member of the household, with couples sharing.

Example: The largest unit a couple with two children can occupy is a three-bedroom unit. The largest unit a couple with three children can occupy is a four-bedroom unit.

OCCUPANCY STANDARD RANGE

A household is not overhoused or underhoused if it occupies a unit that falls within the range of the smallest and largest unit, including any approved additional bedrooms.

ADDITIONAL BEDROOMS

Households may be eligible for an additional bedroom if they meet one of the following criteria:

1. Additional bedroom required for medical reasons:
 - Couples cannot share a bedroom due to a disability or medical condition
 - Additional space is required to store equipment needed due to a medical condition

- An additional bedroom is required for an individual who is not part of the household but who provides support services for a member of the household with a medical condition (see [Program Instruction 2005-06: Additional Bedrooms for Caregivers](#))
2. Additional bedroom required for a child:
- A member of the household is required to provide accommodation for child with a joint custody arrangement
 - A member of the household has visitation rights for a child who is not a member of the household but frequently stays overnight, and is required to provide accommodation as a condition of visitation

Pregnancy

If a member of an applicant household is pregnant, they may be eligible for an additional bedroom. Upon notification that a household member is pregnant, HAU will issue a letter requesting verification of the pregnancy. The child is added to the application once the household submits a birth certificate or statement of live birth to HAU. Special Priority applicants are asked to provide a letter from their doctor to confirm the pregnancy.

Dependent Students

Under *O. Reg. 367/11*, s. 42, a child of a household receiving RGI who is temporarily living away from home is counted for the purpose of determining the appropriate unit size for the household and the household will not be deemed overhoused, provided the child:

- attends a recognized education institution and does not live in the unit while attending school;
- lives with the household when not attending school; and
- depends, at least in part, on other members of the household for financial support.

Households receiving RGI are required to submit verification that the child meets these criteria during their annual review.

The educational institution attended must meet one of the following criteria:

- A school defined in the *Education Act*
- A university
- A college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*
- A private career college as defined *Private Career Colleges Act, 2005*
- A private school, as defined in the *Education Act*

Underhoused Households

A household is underhoused if they occupy a unit that has less than one bedroom for every two household members, plus an extra bedroom if the number of household members is odd.

An underhoused household is not required to move to a different-sized unit but can apply for an internal transfer if the housing provider has units of the appropriate size. Underhoused households do not have priority on the internal transfer list and rank below households with Special Priority status and overhoused households.

Overhoused Households

York Region has a local eligibility rule, as permitted by *O. Reg. 367/11*, s. 38, which requires an overhoused household to move to an appropriately sized unit within their current housing community to remain eligible for subsidized housing. A household that occupies a unit that is larger than the largest unit for which they are eligible under York Region's occupancy standards is overhoused.

In accordance with the regulation, the household remains eligible for RGI for at least one year from the date they are notified that they are overhoused. If the household refuses an offer to move to an appropriately sized unit after one year, they will no longer qualify for subsidized housing and will be responsible to pay the market rent for their unit.

Example: A couple residing in a four-bedroom townhouse is considered overhoused after their children move out. After one year, the household will be required to move to the first available one-bedroom unit to continue to be eligible for subsidized housing.

In some cases, the housing provider may not have units of the appropriate size. In such circumstances, the overhoused household is required to move to the smallest unit size available in the housing provider's portfolio and is no longer considered overhoused.

Example: A couple residing in a four-bedroom townhouse is deemed overhoused and, under York Region's occupancy standards, would be required to move to a one-bedroom unit. Their housing provider does not have one-bedroom units. The couple is therefore required to move to the smallest unit size, which is a two-bedroom unit, and is no longer considered overhoused.

Extenuating circumstances may prevent an overhoused household from accepting an offer for an appropriately sized unit, such as hospitalization of a household member or a recent death in the family. Housing providers should contact their Program Coordinator to determine a course of action.

COVID-19 Exception

The Region will not count a refusal if an overhoused tenant or co-operative member does not accept an offer for an appropriately sized unit because they are unable or unwilling to move during the COVID-19 pandemic. The household is not required to provide documentation of an underlying medical condition or factor to qualify for this extenuating circumstance. This policy will be re-assessed at least every six months, or more frequently if appropriate, and will be updated as required.

Housing Provider Internal Transfer Policy

Each housing provider must have an internal transfer policy that sets out the circumstances when households can move within their portfolio. The policy must adhere to the following:

- Internal Special Priority applicants rank above all other households; and
- Overhoused households rank above everyone, except internal Special Priority applicants.

Procedures

SUBSIDIZED HOUSING WAIT LIST APPLICANTS

Changes to Household Size

Applicants must notify HAU of any changes to their household composition, including the addition or removal of a new adult member or birth of a child, within 30 days, as changes in composition may impact the size of unit for which they are eligible.

To add or remove an adult household member to an application, applicants must submit an [Add a Member to an Application for Subsidized Housing](#) form to HAU. Applicants adding a household member are also required to submit proof of status in Canada and income verification documents for the new member. HAU will review the request and update the eligible unit size if required.

Requesting an Additional Bedroom

Medical Reasons

Applicants requesting an additional bedroom for medical reasons must submit a [Request for Additional Bedroom](#) form to HAU.

Shared Custody

Households requiring an additional bedroom for a child for whom they have joint custody or visitation rights must submit a copy of their custody agreement, court order/statutory declaration, or a letter from Family and Children's Services. HAU reviews the request and issues a Decision Letter to the household.

Pregnancy

If a member of an applicant household is pregnant, they must contact HAU and provide documentation depending on their application status.

- Special Priority applicants: submit a letter from a doctor to confirm the pregnancy
- Chronological applicants: submit a statement of live birth or birth certificate

Housing Provider Refusal

Housing providers may assess unit size in relation to household composition before offering a unit. Housing providers are permitted to refuse an applicant if the housing provider has reasonable grounds to believe that the physical characteristics of the unit are not suitable for the household. Applicants refused on these grounds have the right to request a review of the decision, to be completed by the housing provider.

Example: The bedrooms in a unit are too small to accommodate two or more beds and provide enough space to move around the room.

If a housing provider refuses an applicant based on the suitability of the unit for the household, they are required to:

1. Complete an [Applicant Activity Report – Housing Provider Refused to Offer Unit](#)
2. Issue a Decision Letter within one business day to advise the household that they were refused, explain the reason for the refusal, and provide information on how to request a housing provider review.

OVERHOUSED HOUSEHOLDS

1. If a housing provider determines that a household receiving RGI is overhoused, they are required to:
 - a. If the household was deemed overhoused before January 1, 2021, and is already on the housing provider's internal transfer list, use the [Housing Provider Template Letter – Communication to Overhoused Tenants and Members](#) to advise the household of the new requirement to accept the first offer of housing after one year of being overhoused
 - b. If household is deemed overhoused after January 1, 2021:
 - i. Issue a Decision Letter within seven business days notifying the household that they are overhoused and will be required to transfer to an appropriately sized unit to continue to remain eligible for RGI assistance. The letter must explain that, after a year of being overhoused, the household is required to accept the first offer to transfer to an appropriately sized unit within their current housing community or they will no longer qualify for RGI.
 - ii. Add the household to the housing provider's internal transfer list, ranking below internal Special Priority applicants and ahead of all other internal transfer requests
2. The housing provider can offer an appropriate unit to an overhoused household at any time. After one year, a household deemed overhoused must accept the next offer of housing to transfer to a unit that is permissible under York Region's occupancy standards
 - a. Households that had been overhoused for one year or more as of January 1, 2021 and that have previously refused one or more offers must also accept the next offer of housing they receive

3. The overhoused household will remain on the internal transfer list until they accept an offer to move to a smaller unit, or they refuse an offer after one year of being overhoused
4. After a year of being overhoused, a household refusing an offer to move to an appropriately sized unit ceases to be eligible for RGI assistance, in accordance with *O. Reg. 367/11*, s. 38. Within seven business days, the housing provider must issue a Decision Letter notifying the household that they no longer qualify for RGI and that they will begin paying market rent within 90 days of the notice date. The letter must include the following:
 - a. The market rent amount the household will be required to pay
 - b. The date the market rent takes effect
 - c. Information on requesting a Decision Review (see [Program Instruction 2018-04: Decision Review](#))

Action Required

Housing providers are required to determine if the unit size is appropriate for the household at the time of offer, at the annual review, and when they become aware of a change in household composition. Households deemed overhoused must be placed on the housing provider's internal transfer list. Housing providers must review and update their internal transfer policies to reflect the one offer rule.

Housing providers who have households that are currently deemed to be overhoused are required to notify these households of the new requirement to accept the next offer of housing, using the [Housing Provider Template Letter – Communication to Overhoused Tenants and Members](#) provided by the Region.

Authority: *Housing Services Act*, 2011, s. 43
O. Reg. 367/11, s. 38, 42

Attachment: [Housing Provider Template Letter – Communication to Overhoused Tenants and Members](#)

Please contact your Program Coordinator with any questions.

This notice will be available in an accessible format or with communication supports upon request from 1-877-464-9675 or 905-830-4444 ext. 72119.

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