

Program Instructions



This Program Instruction applies to the following:

- ✓ 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

IN-YEAR RENT-GEARED-TO-INCOME REVIEWS

Effective Date: July 1, 2021

Summary

This Program Instruction sets out York Region's policy regarding in-year reviews for tenants and members receiving rent-geared-to-income (RGI) assistance. It also sets out the requirement for tenants and members to report specific changes in income or household composition between annual reviews.

Background

O. Reg. 316/19, s.11 permits Service Managers, at their sole discretion, to allow for in-year reviews of RGI between annual reviews or between move-in and the first annual review. *O. Reg. 367/11, s. 28* requires tenants and members to report specific changes in income or household composition within 30 days of the change or longer as established by the Service Manager.

Reporting Changes

Tenants and members are not required to report most changes in income to their housing provider between annual reviews. However, tenants and members must report the following changes within 30 days of the change taking place:

- The taxes of a member of the household were reassessed by the Canada Revenue Agency
- A tenant or member begins to receive benefits from Ontario Works (OW) or Ontario Disability Support Program (ODSP)
- Someone requests to permanently join the household
- Someone permanently moves out of the household resulting in a decrease in adjusted family net income

Tenants or members may report the following change at any time between annual reviews:

- A tenant or member's adjusted family net income (AFNI) decreases by 20% or more since the last annual review

All other changes must be reported at the time of the next annual review.

In-Year Reviews

Only one in-year review is permitted between annual reviews, provided the change reported meets the criteria for completing an in-year review set out in this Program Instruction. In-year reviews are not intended to address situations of fluctuating or temporary decreases in income. Housing providers who believe extenuating circumstances warrant a second in-year review must consult with their Program Coordinator prior to completing the review.

In accordance with *O. Reg. 316/19, s. 11*, only one in-year review is permitted due to a decrease in AFNI of 20% or more, with no exceptions.

Action Required

When reporting in-year changes, tenants and members must complete a [Rent Subsidy Review Form](#) and provide documents to verify the change. Housing providers then determine whether the change reported meets the criteria for completing an in-year review. In-year review changes resulting in an RGI increase of less than \$10 are not implemented.

REASSESSMENT OF INCOME TAX INFORMATION

Tenants and members who have their income tax information reassessed must submit the Canada Revenue Agency Notice of Reassessment to their housing provider. An in-year review should be completed if the difference in annual adjusted net income following the reassessment is material (e.g., 20% or more) compared to the annual adjusted net income used in the last annual review.

In-year RGI changes due to a reassessment of income tax information take effect the first day of the month following the change.

BEGINNING TO RECEIVE OW OR ODSP

Tenants and members who start to receive OW or ODSP between annual reviews must provide a copy of their most recent Statement of Assistance.

If the tenant or member receives non-benefit income, housing providers may need to approximate net income to determine if RGI should be based on the applicable OW or ODSP rent scale or 30% of non-benefit income. Tenants or members should be asked to provide proof of current non-benefit income in the form of paystubs or other appropriate verification documents. See [Program Instruction 2021-08: Adjusted Family Net Income](#) for more information on approximating net income.

In-year RGI changes due to someone beginning to receive OW or ODSP take effect the first day of the month following the start of OW or ODSP benefits.

CHANGE IN HOUSEHOLD COMPOSITION

An Individual Moves Out of the Household

If a household member with income included in the RGI calculation permanently moves out of the household, housing providers may complete an in-year review to decrease RGI. Housing providers must update the lease or occupancy agreement to reflect the change in composition, and must also review eligibility for the current unit size, in accordance with [Program Instruction 2020-09: Rent-Geared-to-Income Occupancy Standards in York Region](#), as the household may be overhoused.

An in-year review should not be completed in situations where a household member included in the lease or occupancy agreement moves out temporarily to attend studies at a recognized educational institution.

In-year RGI changes due to someone moving out of the household take effect the first day of the month following the change, provided the change is reported within 30 days.

An Individual Joins the Household

O. Reg. 367/11, s. 28(3) requires tenants and members to inform their housing provider within 30 days of changes in household composition, including someone joining the household. However, tenants and members should inform their housing provider before someone permanently joins the household to allow the housing provider to verify eligibility of the individual to occupy the unit and update the lease or occupancy agreement. An individual permanently joining the household is someone who intends to make the unit their primary residence and reside there long-term.

The individual joining the household is required to provide information required to determine eligibility and re-calculate RGI, including proof of legal status in Canada, annual adjusted net income, and the total value of any assets they own. Once eligibility is confirmed and the individual has been added to the lease or occupancy agreement, housing providers can re-calculate the household's RGI.

In-year RGI changes due to someone joining the household take effect the first day of the month following the change.

DECREASE IN INCOME OF 20% OR MORE

Reporting a decrease in AFNI is voluntary. When a decrease in AFNI is reported, housing providers must determine if the household's current AFNI is 20% less than the AFNI used to determine RGI at the last annual review. Tenants and members who experience a decrease in AFNI of 20% or more must provide documentation verifying the income decrease, including:

- The date the decrease in income occurred
- The reason for decrease in income (i.e., record of employment, letter confirming a change in employment status, pay stubs to determine change in hours of employment, etc.)
- The new income amount

When a decrease in income is reported, the housing provider should first determine if the tenant or member may be eligible for another income source and direct them to pursue income. Information on pursuit of income is provided in [Program Instruction 2021-07: Reasonable Efforts to Pursue Income](#). RGI is only decreased once the outcome of an application for another income source has been confirmed and the housing provider has determined the new household AFNI has been reduced by 20% or more.

In-year changes resulting from a 20% decrease in income take effect the first day of the month following the housing provider's review.

NOTIFYING TENANTS AND MEMBERS OF IN-YEAR RGI CHANGES

RGI Recalculation

Housing providers are required to provide written notification to tenants and members communicating the outcome of the in-year review within seven business days of the decision. The notice must include:

- The RGI payable
- The effective date of change
- Information on requesting a decision review, in accordance with [Program Instruction 2018-04: Decision Review](#)

RGI Ineligibility

If a tenant or member is found to be ineligible for RGI, housing providers are required to provide written notification of the decision within seven business days of the decision. The notice must include:

- The reason for ineligibility
- The market rent or housing charge for the unit
- The effective date of the increase to market rent or housing charge (first day of the month following 90 days from the date of the notice)
- Information on requesting a decision review

Retroactive Changes

RGI may be increased retroactively to the first day of the month following a change when the change was not reported within 30 days. These changes include:

- A new member permanently joins the household
- A tenant or member has their income taxes reassessed and their net income has increased, resulting in an increase in RGI

Housing providers may enter into a repayment agreement with the tenant or member to recover the overpayment of subsidy. If a repayment agreement cannot be reached, the housing provider must increase RGI by 10% of the monthly RGI charge until the overpayment is repaid.

Retroactive increases of RGI that result from an administrative error cannot be collected from the tenant or member. For example, no overpayment of subsidy is applied if a tenant or member notifies the housing provider of a change on time and the housing provider does not complete the in-year review in a timely manner.

RGI decreases are not implemented retroactively if the change that caused the decrease was not reported within 30 days of its occurrence.

DECISION REVIEW

The decision to conduct an in-year review is at the sole discretion of the housing provider, in accordance with the policies set out by this Program Instruction. It is not considered a reviewable decision under the *Housing Services Act, 2011*, s. 56.

Tenants and members who do not agree with the outcome of an in-year review can request a review of the decision by York Region. More information on this process is provided in [Program Instruction 2018-04: Decision Review Process](#).

Authority: *Housing Services Act, 2011* s. 52, s. 156
O. Reg. 316/19 s. 11
O. Reg. 367/11 s. 28, 60, 64

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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