

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 ELIGIBILITY: REFUSING AN OFFER OF HOUSING

This Program Instruction repeals Program Instruction #2020-10

Effective Date: November 15, 2021

Summary

This Program Instruction sets out the rules for applicants on York Region's subsidized housing wait list who refuse an offer of rent-geared-to-income (RGI) housing. It also sets out the policies and procedures for the Housing Access Unit (HAU) and housing providers delivering RGI in York Region for determining when an applicant has refused an offer of housing, logging applicant refusals and completing required follow up actions.

Applicants who refuse an offer for RGI are removed from the subsidized housing wait list.

Community and Health Services

Housing Services

1-877-464-9675

TTY 1-866-512-6228

york.ca



Background

Under the *Housing Services Act, 2011*, *O. Reg. 367/11*, section 32.2, applicants are required to accept the first offer of subsidized housing for a unit in a housing location in which they have expressed a preference. Applicants who refuse an offer become ineligible for RGI and are removed from the wait list. This rule applies to all applicants on wait list, including Special Priority applicants. The regulation permits Service Managers to consider extenuating circumstances under which a household may continue to be eligible for RGI after refusing an offer of housing.

Establishing Household Preferences

As outlined in *O. Reg. 367/11*, section 46.1(1), Service Managers must have rules that provide for a household to indicate preferences for housing projects in the service area. Applicants in York Region express preferences for housing locations in the following ways:

1. For community housing buildings that do not use the online offer process, by adding the building to the building selections listed on their application at any time
2. For community housing buildings that offer subsidized units through the Region's online offer process, by "placing a bid" for an available unit during the seven-day posting period
3. For Rent Supplement units, by indicating they want to live in the building at the time they are contacted with an offer for an available unit
 - Applicants who select the Rent Supplement program can choose their preferred municipality but cannot select individual rent supplement buildings. When a unit becomes available, the Housing Programs unit will provide the highest ranked applicants on the subsidiary wait list with specific information about the building and unit, including the location, unit type, parking availability, and features such as elevators and stairs.

Information about community housing buildings is publicly available on york.ca/housing, and applicants have access to detailed building and unit information about units offered through the online offer process. Applicants are responsible to review building and/or unit information before they add a building to their selections or place a bid through the online offer process.

Applicants can change their building selections at any time before they receive an offer. Applicants who place a bid through the online offer process can cancel their bid at any time during the seven-day posting period in which they placed the bid.

Refusing an Offer

As set out in *O. Reg. 367/11*, section 32.2, an applicant will cease to qualify for RGI and will be removed from the wait list if they refuse an offer for a unit that meets the following conditions:

- The number of bedrooms in the unit meets York Region's occupancy standards
- The applicant has expressed a preference for the unit by either:

- Selecting the housing provider location on their application
- Placing a bid for the unit through York Region's subsidized housing online portal

The refusal rule applies to all applicants on the wait list. It does not apply to offers for the Portable Housing Benefit or the Canada-Ontario Housing Benefit.

To be considered a valid offer, the housing provider must inform the applicant they are first in line for a unit on which the applicant has placed a bid through the online offer process, or that a unit is available in a building the applicant has selected. The housing provider must advise the applicant of the deadline to accept the unit, either through a direct conversation with them or via email or voice message.

Housing providers must allow a minimum of two business days for the applicant to respond to the offer.

Housing providers are required to make reasonable attempts to contact an applicant with an offer. This includes attempting to contact applicants using all phone numbers, alternate contact numbers, email addresses or other contact methods in the applicant's file, unless the applicant has requested otherwise. Housing providers must make at least three attempts to contact the applicant.

Housing providers will be considered to have contacted the applicant when:

- The housing provider has had a direct conversation with the applicant; or
- If the applicant did not respond directly, the housing provider has attempted to contact the applicant using all phone numbers and email addresses listed in the application; and
- If the housing provider is not able to have a direct conversation with the applicant after attempting all phone numbers and email addresses, and there is an alternate contact identified in the application, the housing provider has had a direct conversation with the alternate contact, or a voicemail or email has been left with the alternate contact

An applicant is considered unable to contact if:

- All contact methods have been attempted without speaking directly to the applicant or an alternate contact, and
- Leaving a message is not possible (e.g., no voicemail set up, phone number is out of service, email address has not been provided or email bounces back)

An applicant is considered to have refused the offer if they:

- Do not respond to the offer within the time frame specified by the housing provider
- Cannot be contacted using the contact information on file
- Indicate that they will not accept the unit because they no longer want to live in the building, or they do not like the unit or unit type
- Indicate that they are currently unable to move
- Do not attend a scheduled appointment to view the unit
- Do not come to sign the lease

RENT SUPPLEMENT

Rent Supplement offers will be withdrawn and not counted as refusals if applicants indicate they are not interested in the unit due to its location when initially contacted by Housing Programs. As part of the offer, Housing Programs must inform applicants that their application will be cancelled if they choose to view the unit, they do not attend the viewing, they cancel the viewing or they refuse the unit after viewing.

Extenuating Circumstances

In accordance with *O. Reg. 367/11*, s. 32.2(3), York Region may determine an applicant remains eligible for RGI if extenuating circumstances prevented them from accepting the offer. An applicant will remain eligible and their file will not be cancelled as a result of a refusal if HAU determines one of the following criteria are met, either through an initial review or the Decision Review process:

1. The applicant was in a medical facility at the time of offer
2. The unit is in a location that is no longer considered safe for a Special Priority applicant due to proximity of an abuser
3. Recent death of a family member (i.e., within three months), including applicants being out of the country for this reason at the time of offer and unable to respond within the time specified by the housing provider
4. The unit does not meet the applicant's accessibility requirements
 - Applicants typically state their accessibility requirements when applying or when their circumstances change by completing a Request for a Modified Accessible Unit and must provide medical documentation to support their requirements. Applicants who turn down a unit because it does not meet their accessibility requirements may be asked to provide additional verification.
 - Requests for unit features that are not tied to a medical or accessibility need, as verified by medical documentation, such as a request for a unit with a balcony, are not accommodated under this policy, even if the request is identified in the application.

At time of offer, should an applicant inform a housing provider they did not express a preference for the building or unit, the building was selected in error, or a bid was placed in error, the housing provider must log the offer as refused. The applicant will have an opportunity to request a review of the decision by HAU.

HAU may consider additional extenuating circumstances on a limited basis through the Decision Review process. Applicants may be required to submit verification documents to demonstrate the above criteria are met, such as a doctor's note or travel itinerary.

Action Required

LOGGING APPLICANT REFUSALS

Housing providers are responsible to log applicant refusals in Rent Café:

- Within one business day after receiving the applicant's response to the offer, or,
- If the applicant does not respond, within one business day after the end of the specified timeframe

The record must identify the reason the applicant refused and include a brief note that identifies when and how the housing provider communicated with the applicant, and a summary of any details or context provided by the applicant.

Logging a refusal in Rent Café suspends the applicant's "Eligible" status, pending a review and decision by HAU.

The [Offer Process and Refusal Job Aid](#) outlines the process for offering units to applicants and for logging outcomes in Rent Café.

REVIEWING APPLICANT REFUSALS

HAU monitors housing provider offers and refusals logged in Rent Café on a weekly basis and follows up with applicants as appropriate.

1. If HAU determines there were mitigating circumstances preventing the applicant from accepting the offer, based on the housing provider report, the applicant's status on the wait list will be reinstated as "Eligible". HAU may request additional information from the housing provider and/or applicant before making a decision; applicants must respond within 15 business days.
2. If the applicant is deemed to have refused because they could not be contacted through any of the available contact information on file, including alternate contacts, HAU will review available contact information and attempt to locate the applicant.
 - a. If HAU is unable to locate the applicant and update their contact information, the application will be cancelled.
 - b. If the applicant is located, their contact information will be updated, and HAU will review the situation and make a determination about the applicant's eligibility.
3. If HAU determines the applicant refused a valid offer of housing without extenuating circumstances, the applicant will remain "Ineligible" on the wait list. Within 15 days, HAU must issue a Decision Letter to notify the applicant that their application has been cancelled due to a refusal of an offer of housing. The letter must include the following information:
 - a. The address of the refused unit and the date it was offered
 - b. That the applicant has a right to a Decision Review, which must be submitted to HAU within 15 days of the date of the Decision Letter.

4. If an applicant whose application is cancelled requests a Decision Review, HAU will conduct the review and notify the applicant of the outcome.

Authority: O. Reg. 367/11, s. 32.2, 46.1

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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