

Areas of Service Manager Discretion

Sections 42 (2) and (3) of the *Housing Services Act* (HSA) give service managers more flexibility to set local eligibility rules for RGI assistance. O. Reg. 367/11 Part VI sets out the limits and expands on the requirements for local rules. Service managers and housing providers also have discretion beyond these local rules. The following table sets out HSA rules and areas of local flexibility.

Legislative reference	Topic	Details
367/11 Section 28	Notification of Changes	Tenants have 30 days or longer to report a change in income or household composition.
367/11 Section 29	Failure to Provide Information	If a household fails to provide information to verify their eligibility for RGI, the service manager may determine that a household remains eligible for subsidy if extenuating circumstances exist.
367/11 Section 30	RGI to Market Rent (12 Month Rule)	An RGI household ceases to be eligible for subsidy after paying normal (market) rent for 12 consecutive months.
367/11 Section 31	Failure to Obtain Income (Pursuit of Income)	A service manager may determine that a household remains eligible for subsidy if extenuating circumstances exist and may not require the household to obtain income from the following sources: Ontario Works, child support, EI, OAS, or support from a sponsor.
367/11 Section 32	Divestment of Property	An RGI household must divest themselves of residential property suitable for year-round use within 180 days after the first day of the month of receiving RGI or after acquiring the property. This deadline may be extended if there are reasonable grounds to do so. Special consideration must be given to special priority applicants who have an interest in a matrimonial home.
367/11 Section 34	Maximum household income	Service managers cannot set a local rule regarding the maximum household income lower than the Household Income Limit (HILs) (listed in O. Reg. 370/11) prescribed for the service area.

Legislative reference	Topic	Details
367/11 Section 35	Maximum household assets	Service managers cannot set the asset limit to qualify for RGI below \$20,000 . The following assets continue to be excluded from asset limits: RESPs, RDSPs, a car not used for business, tools of trade, assets for operation of a business, prepaid funeral, cash surrender value of life insurance policy up to \$100,000, loan taken against life insurance policy, jewelry, furnishings, beneficial interest in a trust for family member with disability up to \$100,000.
367/11 Section 36	Convictions	A service manager may make a local rule that a household is ineligible to receive RGI subsidy for not more than 2 years from the time a member of the household is discovered to be receiving RGI subsidy when they knew they were ineligible or convicted of an RGI-related offence.
367/11 Section 37	Maximum absence from unit	A service manager may establish a local rule regarding the length of time <u>all</u> members of an RGI household can be absent from the unit. All members of the household cannot be away from the RGI unit for a minimum of 60 consecutive days and the maximum number of days in a year cannot be less than 90 days . A member of the household who is absent from the unit for medical reasons is not considered absent.
367/11 Section 38	Ceasing to meet occupancy standards	A service manager may make a local rule that would make households who are in a larger unit than they are eligible for, ineligible for RGI subsidy. The household must not be declared ineligible until at least one year after being notified that they no longer meet the occupancy standards and they cannot be declared ineligible if they are following the service manager's process.
367/11 Section 39	Ineligibility due to refusal of offers	The service manager can decide how many offers a household can refuse while on the waiting list for housing. Service managers may provide for circumstances where a refusal is not considered. The minimum number of refusals before a household ceases to be eligible must be 3, but could be higher.
367/11 Section 40	No residency criteria	Service managers cannot refuse to add a household to the centralized waiting list, if a household is living or has lived outside the service area.

Legislative reference	Topic	Details
367/11 Section 41	Duration of assistance	Service managers cannot make a distinction based on how long an RGI household has been receiving assistance when establishing local eligibility rules.
367/11 Section 42	Occupancy standards	Service managers must set their own occupancy standards. However, they must allow households to occupy a larger unit if it is required due to disability or medical condition. And a household may continue to occupy a larger unit for a child who is attending school away from the household but who is a financial dependent and is living at home while not in school.
367/11 Section 46	Waiting list management	Service managers can now establish their own systems for selecting waiting households. Households already receiving RGI can apply to be added to the waiting list if they wish to transfer to a unit of a different housing provider. Eligibility must be reviewed at least every 24 months. Service managers are required to maintain households currently on the wait list in the new system.
HSA Section 48 367/11 Section 47	Selection of RGI households for vacant units	Service managers set priorities for the selection of households for vacant units. Provincial priority for special priority applicants still prevails. Allows housing providers to transfer tenants internally without regard to priority on the wait list; a special priority internal transfer within the housing provider would still have priority. Allows the service manager to set a local rule to give priority to a transfer from outside the service area.
367/11 Section 48	Selection requirement for already accommodated households	A service manager's system for selecting households must allow a provision for selection of a household that already occupies a unit in a designated housing project to receive RGI assistance in accordance with priority rules.
367/11 Section 49	Selection requirements for alternative providers	Section 47 does not apply to alternative providers if the alternative housing provider agrees. This means that alternative housing providers can opt out of the system for selecting households.

Legislative reference	Topic	Details
367/11 Section 50	Refusal to offer unit by housing provider	Service manager's system for selecting waiting households will set out reasons why a housing provider can turn down on applicant, how an applicant will be notified by a housing provider of a refusal to offer a unit and how the housing provider will review the decision if requested to do so by the household. The system must include a rule that allows a housing provider to refuse to offer a unit if applicant does not meet their mandate, has a poor rental history, or is not suitable for shared accommodation.
367/11 Section 51	Special needs housing	A service manager's system for selecting waiting households must include rules that none of the other rules in sections 47 to 50 apply to special needs housing.
HSA Section 51	Deferral or forgiveness of RGI	Service managers may defer or forgive RGI upon request of household.
367/11 Section 59	Review of eligibility – how often	There will be a review of eligibility every 12 months or longer after the household began to receive RGI assistance.
367/11 Section 60	Review of eligibility – requirement to provide documents	The service manager shall not require a person to provide information or documents if the service manager is satisfied that the person is unable to do so, an alternative housing provider informs the service manager that the housing provider is of the view that requiring the documents would be inappropriate, or if the person is in special priority category and obtaining the information would put a person in the household at risk of being abused by the abusing individual.
367/11 Section 61	Notices of decisions on eligibility, size and type of unit, priority, cessation of eligibility, rent deferral or forgiveness	A notice of decision shall be given within 7 business days or within such other time period after the decision is made. The period of time is to be determined by the service manager.
367/11 Section 64 & 65	Reimbursement of Overpayment	Service managers may not require reimbursement of an overpayment if the difference in RGI rent is a result of an error by a housing provider/service manager. The increased rent to pay the overpayment may not be more than 10% of new RGI rent and the increase is not effective until the beginning of the second month after the notice is given.

Legislative reference	Topic	Details
367/11 Section 70 & 71	Special needs housing – failure to notify of changes or provide information	Tenants have 30 days or longer to report a change in information. If a household fails to provide information to verify their eligibility for special needs housing, the service manager may determine that a household remains eligible for the unit if extenuating circumstances exist.
Act S 90 367/11 Section 87	Training Requirement	When a triggering event has occurred, the service manager may require training for board members or staff. Housing providers must have plans for training staff and volunteers as well as a succession plan for the board.
367/11 Section 100	Limits of local standards	Service managers can now set their own standards on property management, conflict of interest, minimum number of board meetings, remuneration of the board, leases, and multi-year financial plans.
367/11 Section 138 & 139	System for Reviews of Decisions	Service managers will establish a review body and a system for dealing with reviews of decisions (other than a refusal to offer). A 30-day opportunity to comment on information before a decision is made is no longer required.

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