

HEALTH & FAMILY SERVICES
SOCIAL HOUSING DIVISION
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Memo

To: Chatham-Kent Social Housing Providers with Part V Housing Provider Legal Agreements and/or Letters of Agreement respecting RGI Administration

From: Nancy Kalbfleisch, Housing Advisor

Date: May 8, 2008 (Hand Delivered at Day of Training Session along with a copy of revised Policy & Procedures Manual)

Re: Implementation of Ontario Regulation 309/07 amending Ontario Regulation 298/01 – RGI and Special Needs Housing

Overview



August 28/07: Service Manager mailed SHB Notification Release 07-04 and SHB Notification Release 07-05 to affected SH Providers

<p>New O. Reg. 309/07 Amends O. Reg. 298/01</p>	<p>Summary</p>	<p>CKSH Policy & Procedure Section</p>
<p>4 (1) & 4 (1.1)</p>	<ul style="list-style-type: none"> Under <i>Interpretation</i>, the definition of abuse has been expanded. 	<p>No changes to CK procedures required.</p>
<p>5 (8), 5 (9), 6 (5) & 6 (6), 38 45 (3) 59 (2)</p>	<ul style="list-style-type: none"> Under <i>Application for Rent-Geared-to-Income Assistance</i>, both the application and consent allow for the age to be set by the SM. Under <i>Special Needs Waiting Lists</i>, and under <i>Special Rule, Transfers to Another Housing Provider in Same Service Area</i>, SM has discretion in determining who needs to sign application forms and consents for RGI and it outlines what to do if the applicant is unable to sign. Under <i>General Rules for Notices</i>, similarly, SM has discretion in determining members of household that will receive a notice. 	<p>SH-F01 – App. for CAWL SH-0201 – RGI Application (Required documentation) * Under SM Responsibility, clause #1 has been amended and list item (v.) has been added. SH-0501 – RGI App'n (SPP) * Under SM Procedure, item #1 has been revised. SH-0221 – Request for Internal Review * Under SM Procedure, item #1, list item ix. has been revised. * Updating CK policies &</p>

		procedures retroactively based on CKSHAG minutes dated April 19, 2006.
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<p>New O. Reg. 309/07 Amends O. Reg. 298/01</p>	<p>Summary</p>	<p>CKSH Policy & Procedure Section</p>
<p>7 (1) (e.1) (ii) 7 (1) (f1) (i) (B) 7 (1) (f1) (ii) (B)</p>	<ul style="list-style-type: none"> • Under <i>RGI Eligibility Requirements</i>, SM can consider a household for RGI eligibility if they have made “reasonable efforts” to enter into a repayment agreement. 	<p>No changes to CK procedures required.</p>
<p>Multiple sections</p>	<ul style="list-style-type: none"> • Updating of terms re: The Landlord and Tenant Board and Residential Tenancies Act. 	<p>SH-0501 – RGI App’n (SPP) SH-0601 – SH Eligibility (Tenant Arrears) SH-F01 – App. for CAWL SH-F07 – Notice of Opportunity to Comment * Terms have been updated.</p>
<p>8 (12)</p>	<ul style="list-style-type: none"> • Under <i>Local Eligibility Rules, Income and Asset Limits</i>, assets held in one or more trusts by disabled members of a household are exempt up to a maximum of \$100,000 if the capital is from an inheritance or a life insurance policy. 	<p>➤ At this time, Asset Limits have not been adopted by CK.</p>
<p>12 (1)(h)</p>	<ul style="list-style-type: none"> • Under <i>Cessation of Eligibility</i>, it limits the use of ineligibility as a penalty for failure to provide information to situations where the information would have resulted in a rent increase or overhousing. 	<p>SH-0209 – RGI Review of Eligibility (Periodic) * New clause added under HP procedure.</p>
<p>12 (j)(j.1)</p>	<ul style="list-style-type: none"> • Under <i>Cessation of Eligibility</i>, there is now a penalty for overhoused tenants who do not select/maintain a minimum # of providers as required by the SM. 	<p>SH-0211 – RGI Units – Overhoused * Under SM Responsibility, item #3 has been amended to include new minimum of 2 sites having to be selected within a geographical area.</p>

<p>16</p>	<ul style="list-style-type: none"> • Under <i>Reapplication</i>, if a household that is determined by the SM to be ineligible for RGI due to misrepresentation of income under the Criminal Code (Canada) or by the Landlord and Tenant Board, then the household has a minimum two year ineligibility period beginning from the date the offence was found to have occurred. 	<p>SH-0205 – RGI Eligibility Determination</p> <p>* Under SM Procedure, item #4, list item vi., has been added.</p>
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<p>New O. Reg. 309/07 Amends O. Reg. 298/01</p>	<p>Summary</p>	<p>CKSH Policy & Procedure Section</p>
<p>23 (2)</p>	<ul style="list-style-type: none"> • Under <i>Time for Making Determinations</i>, a request for special priority status can be made with an application for RGI assistance, special needs housing or for an internal transfer. 	<p>SH-0501 – RGI App'n (SPP)</p> <ul style="list-style-type: none"> * Under SM Procedure, item #1 has been amended. * Need to ensure HP policies have been updated as per Housing Advisory Group Meeting on January 22, 2003.
<p>23.1</p>	<ul style="list-style-type: none"> • Under <i>Part IV, Special Priority Household Category, under Application and Interpretation of ss. 24 and 25</i>, the change provides the SM, not the provider, with the responsibility to decide special priority status in requests for internal transfers. 	<p>SH-0501 – RGI App'n (SPP)</p> <ul style="list-style-type: none"> * Under HP Procedure, item #2 has been added. * Need to ensure HP policies have been updated as per Housing Advisory Group Meeting on January 22, 2003. ➤ <i>Also, all HP's will need to update their Internal Transfer Policy to clearly indicate policy and procedure for Internal Transfer re: Special Priority households.</i>
<p>24, added 1.2</p>	<ul style="list-style-type: none"> • Under <i>Request to be Special Priority Household</i>, if a household is applying to a housing provider for an internal transfer, any member of the household who is 16 years old or older may request that the SM determine whether it should be included in the special priority household category on the waiting list for internal transfers. 	<p>SH-0501 – RGI App'n (SPP)</p> <ul style="list-style-type: none"> * Under SM Procedure, item #1 has been revised. * Need to ensure HP policies have been updated as per Housing Advisory Group Meeting on January 22, 2003.
<p>24 (8)</p>	<ul style="list-style-type: none"> • Under <i>Request to be Special Priority Household</i>, documents will be provided as required for either (a) or (b): For reference... “The request must be in writing and must state that, (a) a member of the household has 	<p>No changes to CK procedures required.</p>

	been subject to abuse from another individual; (b) the abusing individual is or was living with the member or is sponsoring the member as an immigrant”.	
New O. Reg. 309/07 Amends O. Reg. 298/01	Summary	CKSH Policy & Procedure Section
24 (13)	<ul style="list-style-type: none"> Under <i>Request to be Special Priority Household</i>, SM can extend length of submission time for Special Priority requests under certain conditions. 	No changes to CK procedures required.
24 (14)	<ul style="list-style-type: none"> Under <i>Request to be Special Priority Household</i>, two new circumstances have been added to allow the SM to extend the length of submission time for Special Priority requests. 	SH-0501 – RGI App’n (SPP) * Under SM Procedure, items 4. g) and 4. h) have been added.
25 (3)	<ul style="list-style-type: none"> Under <i>Special Priority Households</i>, individuals writing verification of abuse records must do so in his/her professional capacity. A declaration of truth can be required by the SM to accompany the record of abuse prepared by any other individual who knows about the abuse. 	SH-0501 – RGI App’n (SPP) * Under SM Procedure, section 12, additional item has been added.
25 (3.1)	<ul style="list-style-type: none"> Under <i>Special Priority Households</i>, SM has flexibility to remove the need for information or documents to verify abused status of a member requesting SP in certain circumstances. 	SH-0501 – RGI App’n (SPP) * Under SM Procedure, section 2 has been updated.
25 (4)	<ul style="list-style-type: none"> Under <i>Special Priority Households</i>, the list of types of abuse has been expanded. 	SH-0501 – RGI App’n (SPP) * Under SM Procedure, item 11, the list has been updated.
25 (5)	<ul style="list-style-type: none"> Under <i>Special Priority Households</i>, additional individuals can prepare a record of abuse for a member. 	SH-0501 – RGI App’n (SPP) * Under SM Procedure, item 12, the list has been updated.

25 (6)	<ul style="list-style-type: none"> Under <i>Special Priority Households</i>, new definitions related to individuals who can verify the abuse have been added. 	<p>SH-0501 – RGI App'n (SPP)</p> <p>* Under SM Procedure, item 12, a note referencing definitions has been added.</p>
25 (8)	<ul style="list-style-type: none"> Under <i>Special Priority Households</i>, the SM can remove SP status for a member who's on the waiting list for RGI or special needs housing in special circumstances. 	<p>SH-0501 – RGI App'n (SPP)</p> <p>* Under SM Procedure, clause 23 has been added.</p>

<p>New O. Reg. 309/07 Amends O. Reg. 298/01</p>	<p>Summary</p>	<p>CKSH Policy & Procedure Section</p>
<p>27 (3), (7)</p>	<ul style="list-style-type: none"> • Under <i>Occupancy Standards, Largest Unit</i>, the change allows the SM flexibility to allow overhousing in extenuating circumstances. 	<p>SH-0218 – Local Occupancy Standards * Under SM Responsibility, item #3 referring to additional bedrooms has been amended.</p>
<p>33 (1.1), (2), 33 (4)</p>	<ul style="list-style-type: none"> • Under <i>Special Rule, Overhoused Households</i>, an overhoused household requesting to be added to the CAWL, will be added by the SM. Also, there is now a penalty if the overhoused household requests to be removed from the CAWL later than one year after being notified that they are overhoused. 	<p>SH-0211 – RGI Units – Over-housed * Under SM Responsibility, item #4 has been changed and clause #6 has been added.</p>
<p>36 (2)</p>	<ul style="list-style-type: none"> • Under <i>Subsidiary Waiting Lists</i>, SM has flexibility to remove a tenant applicant from a HP's waiting list, if the HP has already refused a unit to the household. 	<p>SH-0219 – Filling Vacancies/Record Keeping * Under SM Responsibility, clause #4 has been added.</p>
<p>37 (4.1) (4.2)</p>	<ul style="list-style-type: none"> • Under <i>Rules for the Centralized Waiting List</i>, SM can defer or hold applications in special circumstances. 	<p>SH-0205 – RGI Eligibility Determination * Under SM Responsibility, clause #5 has been added.</p>
<p>Section 37 (8.1), (8.2), (8.3)</p>	<ul style="list-style-type: none"> • Under <i>Rules for the Centralized Waiting List</i>, an overhoused household requesting to be added to the CAWL, must select at least the # of sites mandated by the SM in a geographic area. (New: For C-K, the minimum # of sites is now 2.) 	<p>SH-0211 – RGI Units – Over-housed * Under SM Responsibility, clause #4 has been added to reflect the minimum # of 2 sites.</p>
<p>41 (2)</p>	<ul style="list-style-type: none"> • Under <i>Ranking According to Date</i>, the deferral of an application does not impact the ranking date when the household is put back on the list. 	<p>SH-0205 – RGI Eligibility Determination * Under SM Procedure, clause #7 has been added.</p>

42 (2), (3), (4) 45 (3.3)	<ul style="list-style-type: none"> Under <i>Priority for Special Priority Households</i>, the ranking within the special priority category is now by date of application. 	<p>SH-0217 – Local Priority Rules</p> <ul style="list-style-type: none"> Under SM Responsibility, item #1 has been changed. <p>SH-0501 – RGI App'n (SPP)</p> <ul style="list-style-type: none"> Under SM Procedure, clause #18 has been added.
<p>New O. Reg. 309/07 Amends O. Reg. 298/01</p>	<p>Summary</p>	<p>CKSH Policy & Procedure Section</p>
50 (3)	<ul style="list-style-type: none"> Under <i>Adjusted Family Income</i>, there is an income exemption for any income earned or received by a child in care under the <i>Child and Family Services Act</i> who is living with the household. 	<ul style="list-style-type: none"> No changes to CK procedures required. HP's to use re: RGI calculations.
50 (3)	<ul style="list-style-type: none"> Under <i>Adjusted Family Income</i>, there is an income exemption for income received from or accrued in a Registered Education Savings Plan. 	<ul style="list-style-type: none"> No changes to CK procedures required. HP's to use re: RGI calculations.
50 subsection 3	<ul style="list-style-type: none"> Under <i>Adjusted Family Income</i>, there is an income exemption from income received as: <ul style="list-style-type: none"> a special allowance under the Immigration and Refugee Protection Act (Canada) a Canada Pension Plan Child Disability Benefit a certain disability trust used for education expense or the purchase of disability related equipment. 	<ul style="list-style-type: none"> No changes to CK procedures required. HP's to use re: RGI calculations.
50 (5.1)	<ul style="list-style-type: none"> Under <i>Adjusted Family Income</i>, a negative income of a self-employed member of a family unit will be considered as zero income. 	<ul style="list-style-type: none"> No changes to CK procedures required. HP's to use re: RGI calculations.

50 (8)	<ul style="list-style-type: none"> Under <i>Adjusted Family Income</i>, the term “lock-in” for a RRSP is revoked. Now, RRSP or RESP are non-income producing assets. 	<p>SH-0202 – RGI App’n, Income & Asset Verification</p> <ul style="list-style-type: none"> * Under SM Procedure, clause #4 ii) and clause #6 ii) have been changed. * HP’s to use re: RGI calculations.
50 (9.1)	<ul style="list-style-type: none"> Under <i>Adjusted Family Income</i>, the first \$1,000 of bank balances continues to be exempt, but the calculation steps have been removed from the Reg. 	<ul style="list-style-type: none"> * No changes to CK procedures required. * HP’s to use re: RGI calculations.
50 (10)	<ul style="list-style-type: none"> Under <i>Adjusted Family Income</i>, the change clarifies the transfer of assets for a person receiving RGI. 	<ul style="list-style-type: none"> * No changes to CK procedures required. * HP’s to use re: RGI calculations.

<p>New O. Reg. 309/07 Amends O. Reg. 298/01</p>	<p style="text-align: center;">Summary</p>	<p style="text-align: center;">CKSH Policy & Procedure Section</p>
52 (1.1)	<ul style="list-style-type: none"> Under <i>Review of Geared-To-Income Rent Payable</i>, SM has flexibility to review the RGI rent payable of fixed-income households less frequently than annually in certain circumstances. 	<p>SH-0208 – RGI Review of Eligibility - Annual</p> <ul style="list-style-type: none"> * Under SM Responsibility, clause #5 has been added.
<p>52 (7) & (8), 52 New (10), (11) Revoked are 52 (12), (13), & (14)</p> <p>53 (2), (3) 53 (5), (6), (7), (8) & (9)</p>	<ul style="list-style-type: none"> Under <i>Review of Geared-To-Income Rent Payable</i>, under <i>Change in Rent Upon New Information Outside a Review</i>, for decisions made on internal reviews re: geared-to-income rent, the timelines re: rent increases/decrease are specifically outlined. 	<ul style="list-style-type: none"> * No changes to CK procedures required. * Need to ensure HP Internal Review policies have been updated.
54	<ul style="list-style-type: none"> Under <i>Reimbursement of Service Manager</i>, reimbursements should not be collected from tenants, if the reimbursement was caused by an administrative error. 	<ul style="list-style-type: none"> * No changes to CK procedures required.
55 (7)	<ul style="list-style-type: none"> Under <i>Opportunity to Comment</i>, the decision relating to the application for RGI, special needs housing or internal transfer will only be 	<ul style="list-style-type: none"> * No changes to CK procedures required.

	given to the individual who made the request and not to all members of the household.	
56 (1)	<ul style="list-style-type: none"> Under <i>Notices of Decisions</i>, the restrictions and requirements for written notices under “Category” has been deleted. 	<p>SH-0206 – RGI App. – Notice of Decision</p> <p>* Under SM Responsibility, section A has been changed.</p>
56 (5)	<ul style="list-style-type: none"> Under <i>Notices of Decisions</i>, if the request for SP was made with RGI or special needs housing application, both the notice of decision relating to the request and the application will be given to the individual who made the request but not to all members of the household. Under <i>Notices of Decisions</i>, in the case of a SP household internal request both the notice of decision relating to the request and the application will be given to the individual who made the request, the housing provider and not to all members of the household. 	<p>SH-0206 – RGI App. – Notice of Decision</p> <p>* Under SM Procedure, clause #2 has been added.</p> <p>SH-0501 – RGI App’n (SPP)</p> <p>* Under SM Procedure, clause #6 has been changed.</p>

<p>New O. Reg. 309/07 Amends O. Reg. 298/01</p>	<p>Summary</p>	<p>CKSH Policy & Procedure Section</p>
<p>58</p>	<ul style="list-style-type: none"> Under <i>Conduct of Internal Reviews</i>, when a request for a review of a decision is received, the SM or lead agency, must disclose the information that lead to the decision to the person who made the request. 	<p>SH-0221 – Request for Internal Review</p> <p>* Under SM Procedure, clause #7 has been added.</p>
<p>58 (3), (4), (6)</p>	<ul style="list-style-type: none"> Under <i>Conduct of Internal Reviews</i>, the time period for conducting internal reviews of decisions has been extended. <p>Also, for internal transfers re: SPP, the notice will be given to the HP by the SM, but the reasons for the decision will not be given.</p>	<p>SH-0221 – Request for Internal Review</p> <p>* Under SM Procedure, step 1 has been changed and step xi. has been added.</p> <p>SH-0501 – RGI App'n (SPP)</p> <p>* Under SM Procedure, clause 6 has been changed.</p>
<p>60 (1)</p>	<ul style="list-style-type: none"> Under <i>General, Public Information Provided By Service Manager</i>, SM to provide information re: housing sites that contain modified units, and the type of modified units. 	<p>SH-0216 – Public Information</p> <p>* Under SM Responsibility, item 1, reference xiii. has been changed.</p> <p>SH-0502 – work in progress</p>
<p>Table 2</p>	<ul style="list-style-type: none"> Under <i>Table 2, Supportive Housing Providers</i>, the existing table was revoked and a new Table was substituted. 	<p>* No changes to CK procedures required.</p>