



## City of Stratford Social Services Department

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## Ceasing to Meet Occupancy Standards

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**Directive Number:** 2020-02

**Date Approved:** July 13, 2020

**Date Effective:** January 1, 2021

**Replaces:** 2013-07 Ceasing to Meet Occupancy Standards

### **Legislative Authority:**

Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1

s. 42, 43, 46, 48, 52 & 53.

HSA O.Reg. 367/11 s. 32.2, 38, 46

HSA O.Reg. 318/19 s. 2

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This Directive applies to the following community housing programs:

- Public Housing
- Provincial Reformed (Provincial, Federal/Provincial Non-Profit)
- Provincial Reformed (Provincial Co-operative)
- Housing Access Centre (HAC)
- Rent Supplement

## **1. Purpose**

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- To communicate the instances in which a household becomes ineligible for rent-g geared-to-income (RGI) assistance because they no longer meet local occupancy standards (2013-09).
- To outline the procedures that must be followed in order to make a household ineligible for RGI assistance under this directive.

## **2. Background**

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As Service Manager under the Housing Services Act, 2011, the City of Stratford is responsible for establishing local occupancy standards that determine the size of unit for which a household in receipt of RGI assistance is eligible. These local occupancy standards (2013-09) outline the rules for matching household size to unit size by defining the largest and smallest sized units for which a household qualifies. The

number of bedrooms required is determined by household composition – the number and relationship of adults and children. When a household occupies a unit that is larger than the largest size permissible, the household is considered “overhoused”. This is usually the result of a change in the household’s composition.

Section 38 of O. Reg. 367/11 allows the Service Manager to establish a process for overhoused households to be transferred to a unit that is appropriate and permissible in size. The Province accords these households priority status to help ensure a transfer occurs in a timely manner.

On September 23, 2019, the Province of Ontario filed Ontario Regulation 318/19 which amended Ontario Regulation 367/11 under the Housing Services Act, 2011. The amendments included new provincial eligibility rules on refusal of offers impacting the current local rule. These amendments came into force on January 1, 2020 and will be implemented in this Service Manager area on January 1, 2021.

### 3. Directive

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- 3.1. Housing providers are responsible for determining that an RGI household ceases to meet occupancy standards and is “overhoused” and are required to inform both the household and the Service Manager of this.
- 3.2. Once notified that they cease to meet occupancy standards, households that are overhoused may be placed on the internal transfer list for an appropriately-sized unit with their current housing provider if such a unit is a part of that provider’s portfolio.
- 3.3. If no appropriately-sized unit is available within the housing provider portfolio, households that are overhoused for 12 consecutive months must apply to the Centralized Waiting List (CWL) for all appropriately-sized units in their current municipality/geographic area and/or a requested municipality in the Service Area.
- 3.4. Households that cease to meet occupancy standards will be given priority over other applicants on the CWL (with the exception of SPP) for a smaller unit.

See directive *2014-41 System for Selecting Waiting Households*.

- 3.5. As per the *Housing Services Act, 2011* an overhoused household shall become ineligible for RGI assistance if the household:
  - Has been issued a Notice of Decision by a housing provider informing the household that it is overhoused;

**and**

  - Has been overhoused for at least one (1) year since the Notice of Decision was issued;

**and**

- Has not maintained an eligible CWL application **or** has refused one (1) valid offer of housing.
- 3.6.** The housing provider may determine that a household remains eligible for RGI assistance after the refusal of one (1) valid offer if it is satisfied there are extenuating circumstances. This exception must be well documented and available for review by the Service Manager.
- See directive *2020-03 Cessation of Eligibility – Refusal of Offer* for local guidelines related this.
- 3.7.** An overhoused household cannot be declared ineligible for RGI assistance if they are following the Service Manager’s procedures (see below) to move to an appropriately-sized unit.

## 4. Procedure

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### Procedures for Housing Providers:

- 4.1.** Housing providers must provide notice to an overhoused RGI household in writing within 5 business days of determination. The notice should state that the household:
- Is overhoused and include the largest size unit for which they are eligible under the occupancy standards.
  - May be added to the housing provider’s internal transfer list if applicable (see 4.2.).
  - Will be required to apply to the Centralized Waiting List (CWL) to move to a smaller unit if they remain overhoused for 12 consecutive months.
- 4.2. During the first 12 months** that an RGI household is overhoused, the housing provider may add them to their internal transfer list to move to a smaller unit at their current property or another property in their portfolio. Placement on the internal transfer list and offers of housing during the first 12 months are at the sole discretion of the housing provider in accordance with their internal transfer policy.
- 4.3.** A housing provider must follow up with the RGI household on the first day of the thirteenth (13<sup>th</sup>) month after issuing a Notice of Decision in order to determine if the household has been overhoused for 12 consecutive months. If so, the housing provider must inform the household that:
- They continue to be overhoused.
  - They will be added to the internal transfer list in accordance with their current provider’s internal transfer policy **if** an appropriately-sized unit is part of the provider’s portfolio.

- They must apply to the CWL for a smaller unit within 30 days **if**:
    - Their current provider’s portfolio does not include the appropriately-sized unit;

**or**

    - The household would like to apply to the CWL for a smaller unit with another housing provider in the Service Manager area.
  - They will be ineligible for RGI assistance if they refuse one (1) valid offer of a unit.
  - They can request a review of the decision. The housing provider should provide information about the deadline for doing so.
- 4.4.** A housing provider must inform the Housing Access Centre (HAC) in writing that a household has ceased to meet occupancy standards for 12 consecutive months:
- If that provider does not have the appropriately-sized unit within their portfolio and cannot add them to their internal transfer list;
  - Once the household has been informed; and
  - Within 5 business days of that household being informed.
- 4.5.** The housing provider should follow-up with the HAC within 30 days of informing the household of its continued overhoused status (as per 4.3.) to verify the household has applied to the CWL.
- 4.6.** If the household has not applied to the CWL within the 30 day deadline, the housing provider must follow-up with that household to determine why this has not been done and inform them of the consequences (i.e. loss of subsidy).
- 4.7.** Housing providers continue to be responsible for determining RGI eligibility of overhoused households and should notify the HAC if an overhoused household on the CWL:
- Is no longer overhoused and required to transfer
  - Moves out
  - Is no longer eligible for RGI
  - Accepts an offer to transfer to a smaller unit
  - Refuses an offer to transfer to a smaller unit

**Procedures for the Housing Access Centre (HAC)**

- 4.8.** When the HAC receives a completed application from the overhoused household, they will add that household on the CWL based on the application date and will assign that household an ‘overhoused’ priority.

- 4.9.** If there is missing information (e.g. contact information, housing preferences, etc.), the HAC will follow up with the overhoused household.
- 4.10.** Housing providers that make an offer to an overhoused household that refuses that offer must inform HAC of the outcome; the HAC will then inform:
- The housing provider in which the overhoused household currently resides that the household has refused one (1) valid offer of a unit elsewhere and is no longer eligible for RGI assistance; and
  - The overhoused household that it has refused one (1) valid offer of a unit and is no longer eligible for RGI assistance.

### **Procedures for Overhoused RGI Households**

- 4.11.** Households must apply to the CWL within 30 days of being notified by their housing provider that they have been overhoused for 12 consecutive months **and** the unit size for which they are now eligible is not a part of their current housing provider's portfolio.
- 4.12.** Households are responsible for keeping their housing provider and the HAC updated on any changes to their circumstances in order to make sure that the information on the CWL is accurate and they are maintaining an eligible application.
- 4.13.** If households would like to be considered for appropriately-sized units outside of their current municipality/geographic area in addition to all appropriate-sized units in their municipality/geographic area, they should inform the HAC.
- 4.14.** Households do not need to apply to the CWL during the first 12 months they have been deemed overhoused but may choose to do so.

### **Temporary Deferral of Placement on CWL**

- 4.15.** A housing provider may defer the requirement that overhoused households apply to the CWL if the circumstances leading to their overhoused status are temporary and will change imminently. The circumstances may include but are not limited to:
- A member of the household is pregnant and will require another bedroom.
  - Child(ren) of the household are in temporary care of CAS but there are concrete plans for when they will return.
  - A member of the household has been in hospital long-term but will be returning to the unit.

These circumstances do not, in and of themselves, guarantee that an overhoused household will not need to apply to the CWL. Any exceptions must be well documented and available for review by the Service Manager.

- 4.16.** In order to defer an overhoused household's application to the CWL, the housing provider should gather the following information from the household:
- The circumstance(s) that will negate the household's overhoused status;
  - The date when this change will take place; and
  - All supporting documentation.
- 4.17.** Once determined, the housing provider should notify the household of its decision.
- 4.18.** All information related to the household's overhoused status should be thoroughly documented in their file.