



County of Wellington Social Services Department – Housing Services DIRECTIVE

Directive Number: 2013-13

Effective Date: November 14, 2013

This directive has been developed by the County of Wellington in its role as Consolidated Municipal CMSM (CMSM) and applies to housing providers funded under the following social housing programs:

√	Provincially Reformed Non-Profit Housing Programmes (MNP, PNP & OCHAP)
√	Provincially Reformed Co-operative Housing Programmes (Co-ops)
√	Municipal Non-Profit Housing Programme (Section 56.1 Pre-1986)
	Local Housing Corporation (LHC)
	Federal Non-Profit Housing Programme (Section 95 Pre-1986)

Subject: Occupancy Standards and Ceasing to Meet Occupancy Standards

Legislative References: Housing Services Act, 2011 (HSA) S.43
Housing Services Act, 2011 O.Reg. 367/11 S.42
Housing Services Act, 2011 O.Reg. 367/11 S.38

Directive Reference: This directive replaces and repeals Directive 2006-08 “Housing Provider’s Internal List and Overhoused Households”

Background

The HSA S.43 permits the CMSM to establish occupancy standards that set out the size and type of unit for a household receiving rent-geared-to-income (RGI) assistance.

HSA O.Reg. 367/11 S.42 sets out prescribed requirements for occupancy standards set by the CMSM.

HSA O.Reg. 367/11 S.38 permits the CMSM to establish a local rule for removing RGI eligibility from a household if the locally established occupancy standards are not met.

Direction

1. Occupancy Standards

The CMSM’s local occupancy standards are subject to the standards established under the City of Guelph, By-law (2000) – 16454, or stronger occupancy standards in municipalities where applicable.

The CMSM sets the following occupancy standards for RGI units:

- (a) largest unit a household is eligible for:
 - one bedroom for spouses; and
 - one bedroom for each additional member of the household.
- (b) smallest unit a household is eligible for:
 - one bedroom for every two members of the household; and
 - an additional bedroom if there are an odd number of members in the household.
- (c) Specific unit or building types with extra eligibility requirements:
 - Housing providers with a seniors mandate require all household members to be at least 55 years of age; and
 - Housing providers with a target group or with specific units within a housing project for those living with mental illness, victims of domestic violence, requiring provincially funded support services or those needing a barrier free accommodation will require at least one individual in the household to be in need of the support or modifications associated with the target group.

2. Shared Bedrooms

The following members of a household are able to share a bedroom under the local occupancy standards:

- Spouses;
- Two related individuals of the same sex;
- Two siblings of the household of the same sex; and
- Two siblings of the household of the opposite sex under the age of five.

The ability of the above mentioned household members to share a bedroom under the occupancy standards are subject to municipal by-law limits referred to in section 1 of this directive.

3. Exceptions

Households may have a larger unit than would otherwise be permitted in the local Occupancy Standards under the following conditions:

- (a) HSA O. Reg. 367/11 S.42 sets out the required exceptions to the local occupancy standards:
 - a larger unit is reasonably necessary due to a disability or medical condition of a member of the household;
 - a child of a member of the household must be considered a member of the household if the child is in attendance at a recognized educational institution and, while in attendance, does not live with the household but lives with the household while not attending that educational institution; and the child is dependant, in whole or part, on the household for financial support.
- (b) The CMSM has added the following additional exceptions to the occupancy standards:

- an extra bedroom is required to accommodate a child if a member of the household has joint custody over the child and that household member is required to provide accommodation for the child;
- an extra bedroom is required to accommodate a child if a member of the household has visiting rights to a child, the child will stay overnight frequently and it is a condition of the visiting rights that adequate accommodation for the child must be provided when the child stays overnight.

4. Ceasing to meet Occupancy Standards

- (a) Households that do not meet the occupancy standards established in this policy or any subsequent revisions to this policy will be deemed ineligible for RGI assistance.
- (b) Ineligibility will be effective twelve (12) months after the household has been notified by the housing provider that the household occupies a unit that is larger than the largest size permissible under the CMSM's occupancy standards.

5. Addition to Household Requests for a Household Deemed Over-housed

Once a household has been deemed over-housed under the local occupancy standards, it may only apply to add individuals to the household who are one of the following:

- Spouse of a member of the household; or
- Child of a member of the household.

Definitions

“Child” in relation to a household member, includes a child who the individual has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in the individual’s home as a foster child for consideration. (HSA 2011, O Reg. 367/11 s.1 (1));

“Over Housed” means a household that has a unit larger than it is eligible for under these occupancy standards;

“Recognized Educational Institution” means any of the following or a similar institution outside Ontario:

- a school, as defined in the Education Act
- a university
- a college of applied arts and technology established under the Ontario Colleges of Applied Arts and Technology Act, 2002.
- a private career college, as defined in the Private Career Colleges Act, 2005.
- a private school, as defined in the Education Act, for which notice of intention to operate has been submitted to the Ministry of Education in accordance with that Act. (HSA 2011, O Reg. 367/11 s.42 (2));

“Spouse” in relation to a member of a household, means,

- an individual who, together with the member, has declared to the housing provider or CMSM or special needs housing administrator that the individual and the member are spouses, or
- an individual who is residing in the same dwelling place as the member, if the social and familial aspects of the relationship between the individual and the member amount to cohabitation and,
 1. the individual is providing financial support to the member,
 2. the member is providing financial support to the individual, or
 3. the individual and the member have a mutual agreement or arrangement regarding their financial affairs. (HSA 2011, O Reg. 367/11 S.1 (1));

Application

1. All RGI households with a unit size or type not meeting the local occupancy standards prior to and after the policy approval date will temporarily remain eligible. Written notice will be given to all households not meeting the local occupancy standards and they will maintain their RGI status and current unit for twelve (12) months after the notice is sent. The household must be advised of its right to a review of the decision that it is over-housed.
2. The housing provider may place the household on its internal waiting list and provide offers to the household during the first twelve months following the written notice, if requested by the household. If the household is offered a unit from the internal waiting list during the first twelve months and the household does not accept the unit, the refusal is not counted as a refusal of offer.
3. Twelve months after the written notice, the housing provider will require the household to complete an RGI housing application for the CWL. The household will choose a minimum of three (3) housing providers for a transfer to a unit that meets the local occupancy standards.
4. The housing provider will forward the completed CWL application form, along with the completed form "Adding a Household to the CWL" to Applicant Services.
5. The household will continue to be eligible for RGI assistance if it is following the process required by the housing provider and the CWL to be transferred to a unit that meets the occupancy standards.
6. Following the twelve month period, a household becomes ineligible for RGI assistance if it fails to follow the required process to be transferred to a unit that meets the occupancy standards or it refuses three (3) offers of housing. The housing provider must provide the household with ninety (90) days written notice of loss of RGI eligibility. The household must be advised of its right to a review of the decision that it is no longer eligible for RGI assistance.

The Occupancy Standards directive is effective immediately.

If you require additional information, please contact the Housing Advisor.



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