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London
 CANADA

Housing Division Notice

Date: September 18, 2012

HDN#: 2012 - 178

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

✓
✓
✓
✓
✓

Federal Non-Profit Housing Program (Rent Supplement units only)

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

Subject: LOCAL RULE – CEASING TO MEET OCCUPANCY STANDARDS *(Replaces HDN#: 2011-165)*

1. PURPOSE:

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)* and associated regulations related to ceasing to meet local occupancy standards.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* under O.Reg 367/11 s. 38, establishes the service manager's authority to make a local eligibility rule providing for a household to cease to be eligible for rent-geared-to-income assistance if the household occupies a unit that is larger than the largest size permissible under the service manager's occupancy standards. There is no requirement that a local rule be established.

If a local rule is established for the service area, the following provisions must be made:

- i. household occupies a unit that is larger than the largest size permissible under the service manager's occupancy standards.
- ii. The local eligibility rule must provide that the household does not cease to be eligible if the household is following the process, specified in the rule or by the service manager, to be transferred to a unit that is permissible under the service manager's occupancy standards.

3. LOCAL RULE:

- i. The local occupancy standards set out a range of unit sizes for which rent-geared-to-income households may be eligible for. Under these local occupancy standards, the largest unit for which a rent-geared-to-income household is normally eligible has one bedroom for any two members of the household who are spouses or same-sex partners of each other, plus one bedroom for each additional member of the household. The smallest unit for which a rent-geared-to-income household is eligible has one bedroom for every two members of the household, plus an additional bedroom if there are an odd number of members in the household.
- ii. A provider must review that a rent-geared-to-income household is within the allowable range of occupancy standards at the time of offer, as part of the annual review process or if there has been a change in the size or composition of the household.
- iii. A household is considered overhoused when they have fewer members living in the unit than the number established under the local occupancy standards.
- iv. If the housing provider determines that a household occupies a rent-geared-to-income unit that is larger than the largest unit in respect of which the household is eligible to receive rent-geared-to-income assistance, the housing provider shall give the household written notice of that determination with a copy sent to the service manager.
- v. A household does not cease to be eligible for rent-geared-to-income assistance until at least a year 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 local occupancy standards.
- vi. After one year of being notified that the household is overhoused, the household shall be placed on the housing provider's internal transfer list for a suitably sized unit (if available within the housing provider's portfolio) and in the selection system for rent-geared-to-income assistance.
- vii. Overhoused households are required to select a minimum of five (5) housing preferences (not including their current housing location) by submitting a signed and dated Building Selection form within thirty (30) days following the one-year overhoused notification date.
- viii. Overhoused households will be placed in the selection system for rent-geared-to-income assistance with an urgent transfer status based on the overhoused notification date.
- ix. For each year the household remains overhoused, an additional 5 (five) housing preferences will be added to the household's application up to a maximum of 20 housing

locations. Households may change their housing preferences at any time, provided that the minimum under of housing preferences are maintained. Overhoused households may be exempt from this requirement at the discretion of the service manager on a case-by-case basis if extenuating circumstances exist.

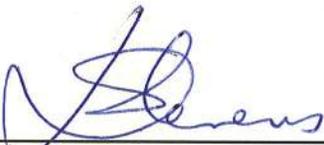
- x. An overhoused household can refuse a maximum of three (3) offers of accommodation, after which the household will cease to qualify for rent-geared-to-income assistance. A refusal includes both offers made from the selection system for rent-geared-to-income assistance and a housing provider's internal transfer list. All internal refusals must be reported to the service manager.
- xi. An overhoused household does not cease to be eligible for rent-geared-to-income assistance if the household is following the process to be transferred to a unit that is permissible under the local occupancy standards.

4. ACTION:

Housing providers are to follow this local policy for any tenants/members that become overhoused starting January 1, 2012 or later.

5. AUTHORIZATION:

Original signed by



Louise Stevens, Director
Municipal Housing

Date: Sept 18, 2012