


| | | |
|---|---|-----------------------------|
| Housing Services Policy |  | Content Updated: 2018-01-10 |
| Social Housing Administration | | Housing Services |
| Divestment of Residential Property | | |
| Page 1 of 3 | | Approval: 2018-01-15 |
| <i>Divestment of Residential Property Policy</i> | | |
| POLICY STATEMENT | Under the <i>Housing Services Act 2011</i> , 367/11 s. 32, tenants or co-op members in receipt of rent-gearred-to-income (RGI) assistance cannot own residential property that is suitable for year-round occupancy and continue to be eligible for RGI assistance. | |
| PURPOSE | To identify legislative requirements when households (applicants or tenants/members) own property or have an interest in a residential property suitable for year-round occupancy impacts eligibility for RGI assistance. | |
| SCOPE | This policy is applicable to all households who reside with a Housing Provider who must adhere to the <i>Housing Services Act, 2011 (HSA)</i> and Housing Providers who have an Agreement with the City of Hamilton to administer rent supplements subject to the HSA. | |
| DEFINITIONS | | |
| <i>Divest</i> | In relation to a legal or beneficial interest in a freehold or leasehold estate in property, means to complete the transfer of the interest in the property or to terminate the lease of the property. | |
| <i>Homeowner</i> | Any member of a household, which is receiving RGI assistance, who has a legal or beneficial interest in a freehold or leasehold estate in residential property located in or outside Ontario that is suitable for year-round occupancy. | |
| <i>Housing Provider</i> | a Non-Profit or Co-operative organization that provides social housing | |
| <i>Residential Property</i> | <p>For the purpose of this policy means:</p> <ul style="list-style-type: none"> • A property all of which is used for residential purposes and is suitable for year-round occupancy, or • In the case of a property part of which is used for residential purposes and part of which is used for other purposes, any portion that is used for residential purposes. | |
| <i>Service Manager</i> | The City of Hamilton is a Service Manager designated to administer and fund the social housing program in Hamilton. | |

| | |
|--|---|
| Extension to divestment of residential property | <p>The Housing Provider may extend the period of time to sell or transfer the property if there are reasonable grounds for doing so. The extension may be given one or more times.</p> <p>Victims of Family Violence If a household receiving RGI declares being a victim of family violence or a safety issue and the interest in the property is jointly owned with the abusing individual, the housing provider may extend the time for the divestment as the housing provider deems appropriate.</p> <p>The RGI household must be notified of the requirement to divest and of any extension.</p> |
| Proof of Sale or Transfer of Property | <p>The RGI household must provide proof of the sale or transfer of the property (e.g. a copy of the final report of sale issued by the solicitor acting on behalf of the homeowner on the sale transaction).</p> |
| Refusal to Divest Property | <p>Where a RGI household refuses to sell residential property within the required time and does not qualify for an extension, the household should be given a 90-day Notice that the household ceases to be eligible to continue receiving RGI assistance.</p> <p>All decisions regarding the eligibility of households who do not meet the requirement to divest their interest in the property within 180 days of being housed (without an extension from the Housing Provider) are subject to Review as per the <u>Social Housing Review System Policy</u>.</p> |
| COMPLIANCE | <p>As outlined in the Terms and Conditions section, this <u>Divestment of Residential Property policy</u> complies with the <i>Housing Services Act, 2011, O.Reg 367/11, s. 32</i>.</p> <p>Access to Housing staff, Housing Providers and City staff in the Rent Supplement Program must follow this policy.</p> |
| Approval | <p>Author Name: Tammy Morasse, Senior Policy Analyst Manager Name: Adam Sweedland, Manager of Social Housing Director Name: Vicki Woodcox, Acting Director of Housing Services Date: 2018-01-15</p> |



Access to Housing

350 King Street E – Suite 110, Hamilton, Ontario L8N 3Y3

Phone: (905) 546-2424 ext. 3708

Fax: (905) 546-2809



ACCESS TO HOUSING (ATH) – Divestment of Residential Property

Declaration of Intent to Sell Property Form

All applicants who are on the Access to Housing waiting list and own a property **must** sell the property or transfer the property within 180 days of moving into a rent-geared-to-income (RGI) unit in order to continue to qualify to receive RGI assistance.

| | |
|---|---------|
| To be completed by Applicant(s) | |
| I/We hereby acknowledge that I/we own or have a financial interest in a residential property suitable for year-round occupancy. | |
| The address of the property is: | |
| | Street |
| | City |
| | Country |
| I/We agree to divest my/our interest in the property within 180 days of moving into a rent-geared-to-income unit. I/We understand that failure to do so may result in the loss of my rent subsidy. I/We agree to report the divestment to the Housing Provider in writing with legal documents to verify the sale or transfer of the property. If I/We need longer than 180 days to sell or transfer the property, I/We will ask the Housing Provider for a time-extension. | |
| Applicant Name (print): | |
| Applicant Signature: | Date: |
| Co-Applicant Name (print): | |
| Co-Applicant Signature: | Date: |