

<b>Housing Services Division</b>		<b>Content Updated: 2025-05-30</b>
		<b>Policy and Procedure No. CoH20-MM#-Overhoused Policy &amp;#</b>
<b>Social Housing Administration</b>		<b>Effective Date: August 1, 2025</b>

## **Subject: Overhoused Policy**

<b>Applicable to:</b>	The policy and procedures contained in this document apply to:	
	<input checked="" type="checkbox"/> Co-operatives	<input checked="" type="checkbox"/> Local Housing Corporation
	<input checked="" type="checkbox"/> Federal Non-Profit	<input checked="" type="checkbox"/> Landlords with Rent Supplement Agreements – Incl. OCHAP & Commercial Rent
	<input checked="" type="checkbox"/> Municipal & Private Non-Profit	<input checked="" type="checkbox"/> Access to Housing (ATH)

<b>Policy Statement</b>	The City of Hamilton as Service Manager under the <i>Housing Services Act, 2011</i> (HSA), is required to establish and administer local policies, rules, and procedures for community social housing in Hamilton. This includes establishing rules for households in receipt of rent-geared-to-income (RGI) assistance who are deemed Overhoused in accordance with the Service Manager's Occupancy Standards Policy.
<b>Purpose</b>	To establish a policy and business processes about the identification, notification, and movement of Overhoused Households to appropriately sized units.
<b>Scope</b>	<p>Overhoused households are identified as those receiving RGI assistance living in a unit that is larger than they are entitled to under local occupancy standards. This Overhoused Policy applies to situations in which an RGI household is deemed Overhoused by a Housing Provider.</p> <p>Section 38 of O. Reg. 367/11 of the HSA states a Service Manager may make a local eligibility rule that an RGI household becomes ineligible for Assistance if it occupies a unit that is larger than the largest size permissible under the occupancy standards set by a service manager, in this case, the City of Hamilton.</p>

	<p>The local rule must provide that an Overhoused household does not cease to be eligible for RGI Assistance:</p> <ul style="list-style-type: none"> <li>• Until at least a year after the Overhoused Household has been notified that the household occupies a unit that is larger than the largest size permissible under the Occupancy Standards,</li> <li>• the Overhoused Household is following the process set out in this Policy to be transferred to a suitable sized unit in accordance with the Occupancy Standards.</li> </ul>
<b>Definitions</b>	<p>In this policy the following words or phrases shall have attributed to them the following meanings:</p> <p><b>“Access to Housing” or “ATH”</b> means the point of access for applicants for RGI subsidized housing. ATH maintains the corresponding waiting lists which is also known as the centralized wait list.</p> <p><b>“Business Day”</b> means a day other than a Saturday, Sunday or statutory or declared holiday observed in Ontario and any other day than a day on which the City’s City Hall is not open to the public. .</p> <p><b>“Centralized Wait List” or “CWL”</b> means the combined waiting list for all Housing Providers in a service area that is required to participate in co-ordinated access system. In Hamilton, ATH manages the CWL.</p> <p><b>“Access to Housing” or “ATH”</b> means the point of access for applicants for RGI subsidized housing. ATH maintains the corresponding waiting lists which is also known as the centralized wait list.</p> <p><b>“Business Day”</b> means a day other than a Saturday, Sunday or statutory or declared holiday observed in Ontario and any other day than a day on which the City’s City Hall is not open to the public. .</p> <p><b>“Centralized Wait List” or “CWL”</b> means the combined waiting list for all Housing Providers in a service area that is required to participate in co-ordinated access system. In Hamilton, ATH manages the CWL.</p> <p><b>“Extenuating circumstance”</b> means circumstances that are approved by a Housing Administration Officer of the City of Hamilton as Service Manager, and may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Illness/death of an immediate relative (spouse/partner, child, parents, siblings or legal guardian)</li> <li>• To attend to/care for an ill or dying family member, deal with legal matters regarding a recently deceased family member or to seek medical treatment not available in Hamilton</li> <li>• Incarceration, which for this policy includes: <ul style="list-style-type: none"> <li>-Awaiting trial and not convicted</li> <li>-Serving time due to a conviction</li> </ul> </li> </ul>

Note: Being convicted of a criminal offence does not make someone ineligible for RGI Assistance (unless it is a RGI fraud or misrepresentation conviction).

**“Household”** means an individual who lives alone or two or more individuals who live together.

**“Housing Provider”** means a Non-Profit or Non-Profit Housing Co-operative organization that provides social housing; the City of Hamilton, Housing Services Division acts as the Housing Provider for the Rent Supplement program.

**“HSA”** means the Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1

**“Internal Review”** means an appeal process to review a decision made by a housing provider, including:

- Refusing to offer a unit;
- Changing rent;
- Changing the eligibility for a particular size or type of unit

**“Internal Transfer List”** means a housing waiting list maintained by a Housing Provider for internal moves from one unit to another within the same Housing Provider’s portfolio.

**“Modified and Supportive Units”** means units intended for use by a household with one or more members who require accessibility modifications or provincially funded support services in order to live independently in the community.

**“Occupancy Standards”** means the Service Manager’s established maximum and minimum unit size for which an RGI tenant or co-op member is eligible, as well as some exceptions that may permit a larger unit.

**“Overhoused Household”** means an RGI Household that is residing in a housing unit that is larger than the unit for which it qualifies according to the Occupancy Standards Policy

**“Rent Geared to Income Assistance” or “RGI Assistance”** means financial assistance provided in respect of a Household to reduce the amount the Household must otherwise pay to occupy a unit;

**“RGI Subsidized Housing”** means housing provided by a Housing Provider occupied by RGI Households.

**“RGI Household”** means a Household which is subject to RGI Assistance;

**“Service Manager”** means the City of Hamilton.

	<p><b>“Service Manager’s Occupancy Standards”</b> means the occupancy standards established by the Service Manager, pursuant to section 43 of the HSA, for determining the size and type of unit permissible for an RGI Household</p> <p><b>“Social Housing Review Panel”</b> means a committee administered by the City of Hamilton as Service Manager to review decisions subject to review under the Housing Services Act (HSA) made by a Housing Provider or Access to Housing at the request of a social housing applicant, tenant or member, or rent supplement applicant or tenant</p>
<p><b>TERMS AND CONDITIONS</b></p> <p><b>Identification</b></p> <p><b>Exemptions</b></p>	<p>Housing Providers must review the household size of an RGI Household to ensure it is within the allowable range of occupancy standards:</p> <ul style="list-style-type: none"> <li>• during annual reviews</li> <li>• when there is a change in household size or composition (as per the basic eligibility requirements for Rent-Geared-to-Income Policy)</li> </ul> <p>Households continue to be eligible for RGI Assistance and are not required to move to a smaller unit until they have been Overhoused for 12 consecutive months; however, they may choose to move at any time. A household cannot lose their RGI Assistance if there is no other unit for them to move into and they remain Overhoused.</p> <p>-----</p> <p>Housing Providers must confirm that RGI Households meet the applicable occupancy standards and are housed accordingly. Nonetheless, Housing Providers have discretion to house an RGI Household in:</p> <ul style="list-style-type: none"> <li>• a smaller unit than they would otherwise qualify for, in accordance with the Occupancy Standards Policy, if the RGI Household agrees.</li> <li>• a larger unit if there are compelling reasons for the exemption (e.g. the tenant will be within the occupancy standards within a reasonable time in the future) and with the approval of the Housing Administration Officer.</li> </ul> <p>Housing Providers must document the exemption on the Overhoused Household’s file. Reasons for exemptions may include, but not limited to:</p> <ul style="list-style-type: none"> <li>• Someone in the household is pregnant;</li> <li>• Children are in temporary care of the Children’s Aid Society or the Catholic Children’s Aid Society and there is a plan for them to be returned to the household;</li> <li>• Someone in the household is disabled and is actively seeking a live-in caregiver to join the household;</li> <li>• The household is temporarily or permanently unable to move to a different unit because of a serious illness or disability;</li> </ul>

<p><b>Overhoused Notification to the RGI Household and Housing Administration Officer</b></p>	<ul style="list-style-type: none"> <li>• The household will be eligible to apply for seniors housing within the next two years and an extension will provide them with stability prior to moving to a senior unit.</li> <li>• The household is only Overhoused by one bedroom and there is reason to believe they may need to further downsize within the next two years (e.g. as children age and move out of the household, this helps the tenant avoid two moves);</li> <li>• A household occupies a unit with more bedrooms that are permitted under the occupancy standards policy as a direct result of a death of a household member, the household's Overhoused classification may be exempted longer.</li> </ul> <p>Until an Overhoused household moves to a smaller unit, any exemptions or extenuating circumstance shall be reviewed by the Housing Provider annually and approved by the Housing Administration Officer.</p> <p><b>Modified and Supportive Units</b></p> <p>Overhoused Households who live in modified or supportive units are not required to move to a smaller unit if they continue to be eligible for the modification or support service and they remain eligible for RGI Assistance.</p> <p>No action is required for these Overhoused Households.</p> <p>-----</p> <p>When an RGI Household becomes Overhoused, the Housing Provider will give the Overhoused Household a letter (<b>Overhoused Notification letter #1</b>) within 10 business days that:</p> <ul style="list-style-type: none"> <li>• states the date the Overhoused Household was deemed Overhoused</li> <li>• identifies the maximum size of unit for which they are eligible</li> <li>• advises the Overhoused Household that they may request an Internal Review with the Housing Provider if they disagree with the Overhoused status.</li> </ul> <p>For the Overhoused Household to remain eligible for RGI Assistance, the Overhoused Household may be required to move to a smaller unit once they remain Overhoused for 12 consecutive months. As per the Internal Transfer Policy, once identified as Overhoused, the Overhoused Household will be placed on the Housing Provider's internal wait list to move to a smaller unit (if the Provider has the appropriately sized unit in their portfolio). If the Housing Provider does not have appropriately sized units for the Overhoused Household, no further action is required until the household has been overhoused for one year, so long as the household continues to follow the requirements outlined in the Basic Eligibility Requirements for Rent-Geared-to-Income Policy. Eligibility for the current unit will be reviewed in 12 months or before that time if the household circumstances change.</p>
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A copy of the **Overhoused Notification letter #1** must also be sent to the Housing Administration Officer assigned to their organization.

The Overhoused Household is entitled to a review of the Overhoused decision upon notification in accordance with the Social Housing Review Policy.

When the RGI Household has been Overhoused for 12 months, the Housing Provider will send a second letter, **Overhoused Notification letter #2**, to advise the RGI household that:

- confirms the date the Overhoused Household was deemed Overhoused, and;
- reviews steps to maintain eligibility of RGI Assistance, including requirement of ATH Overhoused application and Building Selection Form submission.

A copy of the **Overhoused Notification letter #2** must also be sent to the Housing Administration Officer assigned to their organization.

Along with letter #2, the Housing Provider will provide the tenant with the ATH Overhoused Application Form and Building Selection Form. The Overhoused Household will have 10 days to return a complete application to the Housing Provider. The Housing Provider will then review the application for completeness, fill out the Housing Provider section, and send the application to ATH and the Housing Administration Officer assigned to their organization. Once the application is received, the Overhoused Household will be placed on the ATH wait list to transfer to a smaller unit with other Housing Providers in Hamilton.

An Overhoused Household will remain eligible for RGI Assistance as long as they are following the Overhoused process set out in this Policy including but not limited to remaining active on the Housing Provider's Internal wait list and/or the ATH wait list and maintain the minimum number of selections required.

All Overhoused Households shall indicate a preference for a minimum number of buildings with appropriately-sized units (see Table below for further details on the minimum number required). Rent Supplement buildings are excluded from selections.

The minimum number of building selections increases the longer the Overhoused Household remains Overhoused as set out below.

0-365 days (Year 1)	The Overhoused Household must select a minimum of <b>10</b> buildings that have appropriately

Unit selection on the Access to Housing Wait List by Overhoused Households after 12 months of being Overhoused		sized units with ATH.
	366-729 days (Year 2)	The Overhoused Household must select a minimum of <b>20</b> of the buildings that have appropriately sized units on the ATH wait list.
	After 730 days (Year 3 onwards)	The Overhoused Household must select all buildings that have appropriately sized units on the ATH wait list.
<b>Note:</b> Seniors are only required to select senior buildings but may also select non-senior buildings if they wish.		
Overhoused Application Date	<p>Overhoused households will be placed on the ATH wait list using their original date of application (date before beginning to receive RGI assistance) or housed date if original application date of application is unknown.</p> <p>Overhoused Households may change their housing selection preferences at any time, provided that the minimum number of building selections is 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 or if exempted based on the exemption criteria outlined in this Policy.</p> <p>An Overhoused Household may remain on their current Housing Provider's internal transfer list while also on the ATH wait list.</p>	
Monitoring	<p>An Overhoused Household will remain eligible for RGI Assistance as long as they are following the Overhoused process set out in this Policy to transfer to a suitably sized unit, including:</p> <ul style="list-style-type: none"> <li>• remaining active on their Housing Provider's Internal transfer list and/or ATH wait list; maintaining the minimum number of selections required;</li> <li>• compliance with all eligibility and lease/occupancy agreement requirements</li> </ul> <p><b>NOTE:</b> If a valid offer of housing has been declined, an Overhoused Household cannot have their RGI Assistance reinstated even if they remain on the ATH wait list.</p> <p>Overhoused Households who disagree with the loss of RGI Assistance decision can appeal their case at the Social Housing Review Panel.</p>	
Valid Offer of Housing While Overhoused	<p>Housing Providers will follow the steps outlined in the Offers and Refusals Policy when offering a unit to an Overhoused RGI Household.</p> <p>Overhoused Households cease to be eligible for RGI Assistance if they refuse</p>	

	<p>a valid offer of housing. As such, Overhoused Households will only receive one (1) offer of housing.</p> <p>Valid offers include those made by the current Housing Provider where the Overhoused Household resides and those made by any other Housing Provider on the ATH wait list. An offer is considered valid when it is an appropriate size unit and is a property that the Household has indicated a building preference with their current Housing Provider and/or on their ATH application.</p> <p>Any offers received during the first one-year period of being Overhoused have no impact on RGI Assistance eligibility.</p>
<b>Overhoused Refusals</b>	<p>Overhoused Households must be added to the centralized wait list to transfer to a smaller unit 12-months after being deemed Overhoused by the Housing Provider.</p> <p>An Overhoused Household becomes ineligible for RGI Assistance if they refuse one offer of housing while on the internal transfer list and/or the centralized wait list. However, the household cannot cease to be eligible until one year after they are notified that they are Overhoused. (HSA, O.Reg 367/11, s. 38 (2) and Overhoused Policy). Overhoused Households that have refused 1 (one) valid offer after the first year are not eligible to have their RGI Assistance reinstated but may reapply to the ATH waitlist.</p>
<b>Loss of Eligibility for RGI Assistance while Overhoused</b>	<p>As per HSA an Overhoused Household shall become ineligible for RGI Assistance if the Overhoused Household:</p> <ul style="list-style-type: none"> <li>• has been issued a Notice of Decision by a Housing Provider notifying the Overhoused Household that it is Overhoused; and,</li> <li>• has been Overhoused for at least one year since the Notice of Decision was issued; and,</li> <li>• has refused one (1) offer of housing.</li> </ul> <p>The Service Manager may determine that an Overhoused 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 clearly documented, available for review and approved on a one-time only basis by the Service Manager.</p> <p>Housing Providers are responsible for notifying the Overhoused Household of Ineligibility for RGI assistance.</p>





<b>Housing Administration Officers</b>	<ul style="list-style-type: none"> <li>• Use the Overhoused Household's original ATH application date or move-in date, whichever is earliest for the Overhoused Application date.</li> <li>• Do <b>not</b> grant “Deferred” status for Overhoused Household applicants (except in extenuating circumstances). Ensure minimum number of building selections are on each Overhoused application in the database.</li> <li>• Do not remove building selections at the applicants request if it will bring the total selection number below the minimum.</li> <li>• Do not cancel the ATH application at applicant’s request while applicant remains Overhoused and eligible for RGI Assistance.</li> <li>• If application form is complete and applicant is added to centralized waitlist, send Overhoused Household Overhoused Confirmation form.</li> </ul> <p>If, after 12 months of being Overhoused, an Overhoused Household refuses one offer to transfer, ATH will cancel the Overhoused Household from the ATH wait list and notify the Housing Provider via email. The Housing Provider will give the RGI tenant or co-op member notice that they:</p> <ul style="list-style-type: none"> <li>• are ineligible for RGI</li> <li>• must pay the market rent or housing charge beginning the first day of the month following 90 days from the date of notice.</li> <li>• have the right to request a Review and the process by which they can request the Review.</li> </ul> <p>ATH is not required to give notice to the Overhoused Household. If as a result of a review the household remains eligible for RGI Assistance, the Housing Provider and/or the Social Housing Review Panel will notify ATH to reactive the Overhoused Household’s application.</p> <p><b>Housing Administration Officers:</b></p> <ul style="list-style-type: none"> <li>• Receive and track updates from Housing Provider(s) regarding Overhoused letters sent to Overhoused Households, ATH Overhoused application submitted, and RGI to market notices issued.</li> <li>• Connect with ATH, IHS or Housing Provider (s) as needed.</li> <li>• Follow-up as necessary with Housing Provider (s) to ensure complete documentation and actions taken as per expectations set out in the policy.</li> </ul>
<b>Compliance</b>	<p>This policy complies with HSA O. Reg 367/11 s. 32.2 which sets the minimum number of housing offers a household may refuse before they cease to be eligible to be on the centralized wait list and/or eligible for RGI Assistance. It also complies with O. Reg 367/11 s.38</p>
<b>References</b>	<p><a href="#">Housing Services Act, 2011</a>  <a href="#">Internal Transfer Policy</a>  <a href="#">Occupancy Standards Policy</a></p>

	<a href="#">Offers and Refusals</a> <a href="#">Social Housing Review Policy</a> <a href="#">Addition of New Household Member Policy</a>
<b>Appendices</b>	Overhoused Letter 1, Overhoused Letter 2, Current Tenant Overhoused – Update Building Selection, Building Selection Form, Overhoused Flowchart
<b>Approval</b>	Authors Names: Tammy Morasse, Senior Project Manager & Elissa Press, Senior Policy Analyst Manager Name: Pilar Homerston, Manager of Social Housing Director Name: Michelle Baird, Director Housing Services Date: 2025-06-18