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Occupancy Standards Policy

POLICY STATEMENT	The City of Hamilton as Service Manager under the <i>Housing Services Act, 2011</i> (HSA), is required to establish and administer local policies, and procedures for social housing in Hamilton, including occupancy standards.
PURPOSE	To set occupancy standards which ensure tenants and co-op members in receipt of Rent-Geared-to-Income (RGI) assistance are housed in reasonably sized accommodation according to their family composition.
SCOPE	<p>Local occupancy standards set out the maximum and minimum unit size for which a RGI tenant or co-op member is eligible, as well as some exceptions that may permit a larger unit.</p> <p>This policy applies to all City of Hamilton Housing Division staff, Access to Housing staff, all co-operative housing and social Housing Provider staff who are responsible for monitoring and facilitating the movement of tenants. It applies to all RGI and Rent Supplement units administered by the City of Hamilton.</p>
DEFINITIONS	<p>Occupancy Standards</p> <p>Local occupancy standards set out the 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.</p> <p>Access to Housing (ATH)</p> <p>ATH is the co-ordinated social housing access system which is administered and funded by the City of Hamilton; ATH serves as a central point for applications and initial eligibility for social housing.</p> <p>Child of the Household</p> <p>A child of a member of a household is a member of the household, for the purposes of the occupancy standards, if the child:</p> <ol style="list-style-type: none"> 1. is dependent, in whole or in part, on the household for financial support; 2. is the child of a parent or legal guardian of the same household; 3. is in attendance at a recognized educational institution whether full-time or part-time and, while in attendance, does not live with the household, and lives with the household while not attending that educational institution and is the child of a parent or legal guardian of the same household and is dependent, in whole or in part, on the household for financial support; 4. is normally a member of the household but who is taken into temporary care of a Children’s Aid Society or Catholic Children’s Aid Society, continues to be a part of the household for the purpose of determining applicable occupancy standards provided there is a plan of care for the child’s return to the household. Permanent

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<p>Overhoused Household</p> <p>Spouse</p> <p>Underhoused Household</p> <p>Glossary of Terms</p>	<p>Wards of a Children’s Aid Society or Catholic Children’s Aid Society or of the Crown under the <i>Child and Family Services Act</i> are not considered part of the household for the purpose of determining occupancy standards.</p> <p>An overhoused household is a tenant or co-op member in receipt of RGI or rent supplement who occupies a unit that is larger than the largest unit for which they are eligible under the occupancy standards.</p> <p>In relation to a person, means:</p> <ol style="list-style-type: none"> a. an individual who, together with the person, has advised the Housing Provider or Access to Housing that the individual and the person are spouses, or b. an individual who is residing in the same dwelling place as the person, if the social and familial aspects of the relationship between the individual and the person amount to cohabitation and, <ol style="list-style-type: none"> i. the individual is providing financial support to the person, ii. the person is providing financial support to the individual, or iii. the individual and the person have a mutual agreement or arrangement regarding their financial affairs c. an individual who is legally married or common-law regardless of gender identity. <p>A household is considered underhoused if they occupy a unit of a size that is smaller than the smallest unit for which they are eligible.</p> <p>Refer to this Glossary of Terms for many of the terms and acronyms commonly used in social housing. (Insert hyperlink)</p>	
TERMS & CONDITIONS	<p>ATH will ensure all applicants are on the centralized waiting list for RGI and/or rent supplement units in accordance with the occupancy standards.</p> <p>Housing providers should confirm that new tenants or co-op members in receipt of RGI meet the applicable occupancy standards at the time of move-in and are housed accordingly. Nonetheless, Housing Providers have discretion to house an RGI tenant or co-op member in:</p> <ul style="list-style-type: none"> • a smaller unit than they would otherwise qualify for, if the RGI tenant or co-op member agrees • a larger unit if there are valid reasons for the exception and with the approval of the Manager of Social Housing, Housing Services Division. 	



Largest and Smallest Unit Standards

The following table outlines the **largest unit** a household in receipt of RGI is eligible for based on the household composition:

If the household includes...	Then the largest unit the household is eligibility for is a...
<ul style="list-style-type: none"> single person 	<ul style="list-style-type: none"> one bedroom unit
<ul style="list-style-type: none"> two people who are spouses of each other 	<ul style="list-style-type: none"> one bedroom unit
<ul style="list-style-type: none"> two people who are not spouses (e.g. parent/child; siblings, roommates, etc.) 	<ul style="list-style-type: none"> two bedroom unit
<ul style="list-style-type: none"> four people who are in two separate spousal relationships 	<ul style="list-style-type: none"> two bedroom unit
<ul style="list-style-type: none"> two people who are spouses of each other and one dependent child 	<ul style="list-style-type: none"> two bedroom unit
<ul style="list-style-type: none"> any of the above scenarios plus one or more additional household members 	<ul style="list-style-type: none"> the number of bedrooms as per above plus one bedroom for each additional member

Note: Circumstances under which a household may be eligible for a unit larger than what is indicated in the above table are outlined in the criteria for an additional bedroom.

The following table outlines the **smallest unit** a household in receipt of RGI is eligible for based on the household composition:

If the household includes...	Then the smallest unit the household is eligibility for is a...
<ul style="list-style-type: none"> single person 	<ul style="list-style-type: none"> bachelor unit
<ul style="list-style-type: none"> two people who are spouses of each other 	<ul style="list-style-type: none"> a bachelor unit *refusal of a bachelor unit by a two person household is not counted as a refused offer
<ul style="list-style-type: none"> two people (household members) 	<ul style="list-style-type: none"> one bedroom unit
<ul style="list-style-type: none"> more than two people 	<ul style="list-style-type: none"> one bedroom for every two members plus an additional bedroom when there is an odd number of members

With mutual agreement between the Housing Provider and the household, more than two members may occupy a bedroom, and; the occupancy will not violate any other local by-laws such as the City of Hamilton Property Standards By-law section 10-221 and Ontario Fire Code



Criteria for an Additional Bedroom

- A Housing Provider may approve a three person household (two spouses and one child) to live in a one bedroom unit as long as the household agrees and it does not violate any other legislation.

A household can apply for and reside in a larger RGI unit outside of the smallest and largest unit standards. At least one of the following conditions must be met in order to secure a unit with an additional bedroom:

1. Disability or medical condition
2. Medical Equipment
3. Live-in Caregivers
4. Pregnancy
5. Child Custody and Access
6. Full-time Support Services

1. Disability or medical condition

an additional bedroom may be approved because of a disability or medical condition and this requirement must be documented by a medical professional, subject to the following conditions:

- a) The household must submit the City-approved form(s) and required medical documentation with the request
- b) Where the medical professional has verified that spouses cannot share a bed, the household will not normally qualify for an additional bedroom *unless* a second bed cannot be accommodated within the shared bedroom.
- c) A household will not qualify for an additional bedroom based on a snoring condition alone.

2. Medical Equipment

An additional bedroom may be approved to store equipment that a member of the household needs because of a disability or serious medical condition, **and** the equipment is too large to be reasonably accommodated in a unit size for which the household normally qualifies, subject to the following conditions:

- a) The household must submit medical documentation which details the size and type of equipment required along with the additional bedroom request.
- b) Equipment and circumstances, included but not limited to the following, are **not** eligible for an additional bedroom are:
 - i) Any other equipment or circumstance that can be reasonably accommodated without requiring an additional bedroom or can be reasonably accommodated through an alternative method;
 - ii) Continuous positive airway pressure (CPAP) machines;



- iii) Air-filtration systems;
- iv) Vaporizers or humidifiers;
- v) Walkers, canes and crutches;
- vi) Massage tables;
- vii) Exercise equipment;
- viii) Frequent night time waking or insomnia;
- ix) Temporary medical conditions or a short-term condition that make the sharing of a bedroom inconvenient for a short period.

3. Live-In Caregivers


- a) Caregivers may provide support for a child or for a disabled or elderly person in the household. They may be funded privately by the tenant/co-op member or a family member; a community agency or a government source.
- b) True live-in caregivers do not maintain accommodation elsewhere. If the caregiver does not maintain accommodation elsewhere, they are considered part of the household for both occupancy standards and the calculation of RGI. The household must submit documentation which details the care giver needs required along with the additional bedroom request.
- c) A caregiver that maintains accommodation elsewhere is not considered part of the household, and the RGI tenant or co-op member is not entitled to an extra bedroom. The household must submit documentation which verifies the caregiver's accommodations.


4. Pregnancy

A member of the household is pregnant and the provision of bedroom space for the child would entitle the household to an additional bedroom in accordance with the largest and smallest unit standards. The household must submit a letter confirming the pregnancy from the pregnant household's primary health care provider who is certified by the Province of Ontario.

5. Shared Custody and Access

- a) A member of the household has shared custody or access rights with respect to a child who is not a member of the household; and:
 - i) The household member is either parent or legal guardian of the child(ren);
 - ii) The household member is subject to a Court Order or a domestic contract that is valid under the *Family Law Act* (e.g. separation agreement, private agreement, paternity agreement or family arbitration agreement); and that is written and signed by both parties and witnessed;

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<p>Previous Additional Bedroom Approvals</p> <p>Underhoused Households</p> <p>Overhoused Households</p>	<p>iii) The number of dependent children included as part of the household is clear per the declaration of the parent(s), domestic contract or a court order indicating sole custody. If it is not clear whether the child should be included as a member of the household - the child will be included as part of the household if they are living in the parent's RGI unit at least 40% of the time;</p> <p>iv) If each parent resides in a separate RGI unit and they share custody, it is possible for the child to be included in both households for the purpose of determining allowable unit size under the occupancy standards.</p> <p>With Service Manager approval, there may be other circumstances where it is determined that an additional bedroom is necessary.</p> <p>Note: Households previously approved under the former occupancy standards policy will be 'grandfathered' and may retain the additional bedroom. Approval must be recorded by ATH or the Housing Provider.</p> <p>Each Housing Provider is responsible to verify the current local municipal occupancy standards set out in Property Standards By-law 10-221 when making decisions related to additional household members.</p> <ul style="list-style-type: none"> • Being underhoused may not be considered grounds to deem a household ineligible for RGI assistance; • An underhoused household may apply to the Housing Provider for an internal transfer and/or apply to ATH to be added to the CWL. The date the household submits the application to the provider and/or ATH will be used as the application date, not their original housed date or original date of application. <p>An overhoused household is one that occupies a unit with more bedrooms than are permitted under this occupancy standards policy.</p>	
RESPONSIBILITIES	<p>Access to Housing staff will ensure all applicants are on the centralized waiting list for units in accordance with the occupancy standards. If a household requests an additional bedroom and ATH staff determines that the household does not meet the eligibility criteria, ATH staff must notify the household of the decision in accordance with the <u>System of Reviews policy</u>.</p> <p>Housing Provider staff will ensure that all tenants in receipt of RGI are living in units that are the appropriate size for the circumstances of each tenant household. Housing Providers must fill vacancies in accordance with this policy and review current households to ensure</p>	

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	<p>compliance with this policy. If a household requests an additional bedroom and the Housing Provider determines that the household does not meet the eligibility criteria, the Housing Provider must notify the household of the decision in accordance with <u>Social Housing Reviews System policy</u>.</p> <p>ATH, Housing Providers and Rent Supplement staff must document the reasons for any occupancy standards exceptions on the RGI applicant, tenant or co-op member, or rent supplement tenant's file.</p>	
COMPLIANCE	<p>As outlined in the Terms and Conditions section, these occupancy standards comply with the following prescribed requirements outlined in <i>HSA, section 42 and 43 of O.Reg 367/11</i> which state local occupancy standards must:</p> <ol style="list-style-type: none"> 1. Permit a larger unit than would otherwise be permitted if a larger unit is reasonably necessary due to a disability or medical condition of a member of the household; 2. Define how to treat a child of a member of a household for the purposes of the occupancy standards. <p>Documentation verifying the circumstances must be kept on the applicant or tenant's file, including:</p> <ul style="list-style-type: none"> • Nature of disability or serious condition; • Required medical equipment; • Verification of child custody or caregiver situation; • Housing Providers must comply with the HSA, the Municipal Freedom of Information & Protection of Privacy Act (MFIPPA) and Personal Information Protection and Electronic Documents Act (PIPEDA). Together the Acts guide how personal information is collected, used, disclosed and secured. <p>Housing Services Division staff will ensure that all Housing Providers and rent supplement landlords comply with this policy through operational reviews submitted by the Housing Providers and ATH.</p>	
HISTORY	<p>The Occupancy Standards Policy was developed in consultation with City staff, Housing Providers and Access to Housing staff.</p>	
Approval	<p>Author Name: Tammy Morasse, Senior Policy Analyst Manager Name: Adam Sweedland, Manager of Social Housing Director Name: David Brodati, Acting Director – Housing Services</p>	