


Housing Services Division		Content Updated: 2020-11-25
		Policy and Procedure No. CoH20-1101-ROR1
Effective Date: January 1, 2021		
Social Housing Administration		

Subject: Revised Offers and Refusals Policy

Applicable to:	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)

Policy Statement	The <i>Housing Services Act, 2011</i> (HSA) requires the City of Hamilton, as Service Manager, to establish and administer policies, local rules and procedures for social housing in Hamilton. This includes informing Social Housing Providers of their legislative responsibilities regarding offers and refusals of housing for rent-geared-to-income (RGI) and rent supplement units.
Purpose	<p>To establish how housing offers are to be made to applicants on the centralized waiting list for RGI assistance;</p> <p>To establish that a household may refuse only one offer before it ceases to be eligible for rent-geared-to-income (RGI) assistance, and;</p> <p>To establish permissible reasons for a household to refuse an offer (and not be considered a refusal).</p>
Scope	<p>This policy applies to all Housing Providers who operate housing projects subject to the <i>HSA</i> and to:</p> <ul style="list-style-type: none"> • all applicants on the centralized waiting list for social housing who are not yet in receipt of RGI assistance, and; • overhoused households on the centralized waiting list and/or their Housing Provider’s internal transfer waiting list

<p>Definitions</p> <p><i>Access to Housing (ATH)</i></p> <p><i>Business Day</i></p> <p><i>Extenuating Circumstance</i></p> <p><i>Homeless Priority</i></p> <p><i>Household</i></p> <p><i>Housing Provider</i></p> <p><i>Internal Wait List</i></p> <p><i>Mandate</i></p>	<p>The point of access for applicants for rent-geared-to-income subsidized housing and maintains the corresponding waiting lists which is also known as the centralized wait list.</p> <p>A day from Monday to Friday other than a statutory holiday</p> <p>Extenuating circumstances may include, but are not limited to:</p> <ul style="list-style-type: none"> • Illness/death of an immediate relative (spouse/partner, child, parents, siblings or legal guardian) • 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 • Incarceration, which for this policy includes: <ul style="list-style-type: none"> -Awaiting trial and not convicted -Serving time due to a conviction <p>Note: Being convicted of a criminal offence does not make someone ineligible for RGI subsidy (unless it is a RGI fraud or misrepresentation conviction).</p> <p>Is for a household who meets certain criteria to be assigned this status such as: being burned out of their place of residence, without shelter or living in temporary or emergency housing- verification is required.</p> <p>an individual who lives alone or two or more individuals who live together</p> <p>a Non-Profit or Co-operative organization that provides social housing; the City of Hamilton, Housing Services Division acts as the Housing Provider for the Rent Supplement program</p> <p>a waiting list maintained by a Housing Provider for internal moves from one unit to another</p> <p>The Province of Ontario approved mandates for some Housing Providers. These Housing Providers must house, in accordance with the mandate, one or more of the following applicant groups:</p> <ul style="list-style-type: none"> • seniors • homeless or hard to house people (alternative housing) • Aboriginal – Indigenous people
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<p>Newcomer Priority</p>	<p>is for a household who is a refugee, refugee claimant or a person with a temporary residence permit, who applies for housing within one year of entry into the country and has immigration status that meets basic eligibility requirements. Refugees with government sponsorship are excluded. Verification is required</p>
<p>Overhoused</p>	<p>applies to tenants who are residing in a housing unit that is larger than the unit for which the household qualifies according to the local occupancy standards</p>
<p>Real Time</p>	<p>Occurring immediately</p>
<p>Special Priority List</p>	<p>O.Reg. 367, s.54 Special priority category - eligibility Also known as Special Priority Policy (SPP) - A household may apply for special priority if a member of the household is being abused by someone they live with or have recently lived with, or by a person who has sponsored the member as an immigrant. Verification is required. SPP households go to the top of ATH's waiting list. A household on the special needs waiting list or a Housing Provider's the internal wait list can also apply for special priority.</p>
<p>Urgent Priority</p>	<p>refers to priority status on the centralized wait list. Two types of situations fall under the Urgent Priority status:</p> <ul style="list-style-type: none"> • Terminally Ill which is for people who are terminally ill - must have medical verification - excludes serious chronic conditions, illness or disease • Safety which is for a person or persons whose personal safety is significantly at risk and legal interventions have been exhausted. This applies to those who have not lived with the abusing individual but fear for their or their children's safety – verification is required
<p>Youth</p>	<p>refers to applicants or tenants who are aged 16 and 17</p>

TERMS AND CONDITIONS

Decisions Made by Housing Providers during the Application Process

During the application process, a Housing Provider must decide:

- if a household is eligible for RGI housing or special needs housing
- the rent that an RGI household must pay, and;
- the size of unit that applicant household is eligible for.

The applicant has a right to ask for a review of these decisions.

Selection of Households for Vacant Units

Each time a household gives notice that they are moving out of a rent-geared-to-income unit, a Housing Provider must follow the steps detailed below until it has filled the vacancy. The process starts when the Housing Provider receives notice from a household that is moving out and ends when the new lease or occupancy agreement is signed.

Vacancies must be filled in accordance with the Occupancy Standards policy and by:

1. **Special Priority (SPP)** households identified on a Housing Provider's internal waiting list (before other internal transfers) in accordance with the HSA.
2. Other suitable households on a Housing Provider's internal transfer list for RGI; and
3. If there are no suitable households on the Housing Provider's internal transfer list, the unit must be offered to the next appropriate household on the centralized waiting list.

Housing Providers need to use a 'real-time' subsidiary list. The same list must be used until the vacancy is filled.

Applicants on the *centralized waiting list* are offered units in accordance with their application date - households rank higher than another household with a later application date, **except**:

4. Applicants who receive **Special Priority** status (SPP) are given the highest ranking on the waiting list above all other applicants with **Urgent, Homeless, Newcomer** and **Youth** status or **Chronological** status. SPP applications are ranked chronologically by the date the SPP status is assigned. Applicants with SPP status must be offered available units prior to any other applicants on the centralized waiting list.

	<ol style="list-style-type: none"> 5. If no SPP has applied to the Housing Provider’s project, then the Housing Provider must offer the vacant unit to applicants with Urgent/Terminally Ill status before offering accommodation from the regular chronological list. 6. Applicants with Urgent status are ranked on the waiting list above all applicants with Homeless, Newcomer and Youth and Chronological Status. These applications are ranked chronologically by the date that the Urgent status is assigned. 7. Applicants with Homeless status must be offered at least every 5th vacancy within the provider's portfolio. 8. Applicants with Newcomer or Youth status must be offered at least every 10th vacancy within the provider's portfolio 9. Applicants with Chronological status must be ranked by their application date - chronologically on the centralized waiting list <p>Applicants with Chronological status must be offered units based on their application date on a first-come-first-served basis.</p> <p>Selected applicants or a member of the household requiring a modified or senior unit must meet the building mandate or modified unit requirements as per Leases and Occupancy Agreements Policy.</p>
<p><i>Housing Offers</i></p>	<p>Housing Providers must offer vacant RGI and/or RGI modified units in accordance with the selection of RGI Households local policies and O.Reg 367/11 s. 47 and s. 76.</p> <ol style="list-style-type: none"> 1. Applicant households must be offered RGI units based on their ranking on Housing Provider internal transfer lists and the centralized waiting list. 2. When a Housing Providers has a vacant RGI unit, it may offer it to an RGI household on their internal transfer list that meets the building mandate and is eligible for the available size of unit, prior to offering the unit to applicants from the centralized waiting list (subject to SPP rules). 3. Housing Providers must contact the first eligible Household and/or their alternate contacts to inform the household there is a unit available to view. Housing Providers must allow the Household has two business days to respond, as well as clearly provide:

	<ul style="list-style-type: none"> • The Housing Provider’s name, the name of the individual the household can contact and contact information (e.g. phone number) and, • Information about the unit location (address), size and type <ol style="list-style-type: none"> 4. Housing Providers must make reasonable efforts to contact households to offer a unit. 5. Housing Providers must record the results of each attempt to contact and each offer on the ATH database according to this policy and each Housing Provider’s system. 6. If unable to contact the household, then the Housing Provider can move to the next household on the list. <p>If contact is made with the household, the Housing Provider must advise the household of the maximum number of refusals policy and if the households still wishes to view the unit, must plan to show the unit on terms that reasonably accommodate both parties.</p> <ol style="list-style-type: none"> 7. For Co-op Providers only - hold membership interviews. 8. Confirm the household’s eligibility for RGI according to HSA and local eligibility rules. 9. Housing Providers must allow the household at least two business days to accept or refuse the unit. 10. If a household needs to give a 60-day notice to their current landlord in order break their current lease to accept the RGI unit, the Housing Provider must allow this to occur. The Housing Provider must not skip the household and offer the unit to the next household.
<p>Offer Acceptance</p>	<p>When the offer is accepted, the Housing Provider will:</p> <ol style="list-style-type: none"> 1. Sign a lease or occupancy agreement with the household. 2. Ensure every person in the household who is 18 years of age or older signs the lease (non-profit) or occupancy agreement (co-op). With a Youth priority household, a guarantor is required. 3. Confirm all occupants are listed on the lease or occupancy agreement. 4. Review tenant/member requirements for maintaining eligibility for RGI assistance.

	<p>5. Notify ATH within one business day of acceptance.</p>
	<p>When the offer is accepted, ATH will:</p> <ol style="list-style-type: none"> 1. Remove a household from the centralized waiting list if the household has accepted an offer of rent-gear-to-income or rent supplement assistance. 2. If an internal transfer offer is accepted in the same project that the household has also selected on the centralized waiting list, ATH will remove the household from the centralized waiting list.
<p><i>Applicant and Tenant Refusals</i></p>	<p>Households may refuse one offer of housing before being determined ineligible for RGI.</p> <p>Housing Providers must advise the household that the refusal of an internal transfer offer will count as a refusal if the household is on the centralized waiting list for that same property/project (this includes over-housed households).</p>
<p><i>Tracking Offers and Refusals on ATH Database</i></p>	<p>Housing Providers must update the status of an offer by sending an email comment (including unit address and size) to ATH staff through the ATH database system. Common comments include:</p> <ul style="list-style-type: none"> • Contact Attempt • Unable to Contact • On-Offer • Applicant Refusal • Housing Provider Refusal • Housed <p>Once an offer has been made, the applicant household is considered 'on-offer'. Housing Providers have up to 10 days to update the status on the ATH database with the outcome of the offer with: applicant refusal, Housing Provider refusal or housed. If the Housing Provider needs longer than 10 days because they are processing an offer with a household, they must notify ATH to have the status remain 'on-offer' which will ensure the household will not receive an offer from another Housing Provider.</p> <p>Housing Providers must have the Unit Address and Unit number in the email comment to ATH.</p>
<p><i>Refusal Decision overturned at</i></p>	<p>If a Housing Provider Internal Review or a Social Housing Review Panel review decides that a refusal should be reversed, the Provider (or Rent</p>

<p>Internal or Social Housing Review Panel review</p>	<p>Supplement Staff if it was a rent supplement unit refusal) or Social Housing Review Panel must inform ATH in writing.</p> <p>ATH will reinstate the applicant with their original application date on the waiting list and the refusal will not count.</p>
<p>One Refusal</p>	<p>Upon the applicant refusal of RGI unit, the household may be deemed ineligible for RGI assistance and ATH will remove the household from the centralized waiting list.</p> <p>A household ceases to be eligible for rent-gearred-to-income assistance and/or be centralized wait list if the household refuses an offer by the Service Manager or Housing Provider in a unit that:</p> <ul style="list-style-type: none"> (a) Meets the Service Manager’s occupancy standards and (b) Is in a housing project for which the household expressed a preference
<p>Conditions when a refusal does not count</p>	<p>The Service Manager or Housing Provider will not count a refusal of an offer if:</p> <ul style="list-style-type: none"> • the household was unable to respond due to hospitalization, rehabilitation and or attending a treatment facility • the household that is determined eligible for special needs housing is offered a unit that is not designated a special needs unit • the household of two spouses refuses a bachelor unit • the household could not be contacted due to an absence from unit which had not yet been reported to the Housing Provider because of exceptional circumstances; or • the household has clearly made an error in instruction about an offer acceptance • the household refused of an offer of a portable housing benefit <p>A refusal because of extenuating circumstances such as medical emergencies, endangerment of Special Provincial Priority applicants, or other extenuating circumstances will be not count as a refusal.</p>

<p>Overhoused Refusals</p>	<p>Overhoused RGI households must be added to the centralized wait list to transfer to a smaller unit.</p> <p>An overhoused household becomes ineligible for RGI housing if they refuse one offer of housing while on the internal transfer waiting list and/or the centralized waiting 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.</p> <p>When an overhoused household on the centralized wait list refuses an offer, Housing Providers must report the refusal to Access to Housing.</p>
<p>Housing Provider Refusals to Offer</p>	<p>Housing Providers may refuse to offer housing to an otherwise eligible applicant if:</p> <ul style="list-style-type: none"> • the Housing Provider has a mandate under section 76 of the HSA and offering the unit to the household is contrary to that mandate • the applicant does not qualify under the eligibility criteria • the applicant's income is too high to qualify them for RGI assistance • the applicant's rental history, other than credit history, indicates that they are not likely to pay the rent/housing charge in full or on time <ul style="list-style-type: none"> ○ If a Housing Provider completes rental reference checks, it must complete rental reference checks for all applicant households. Results of rental reference checks must be recorded in the household's file • the applicant is not reasonably likely to participate as a member of a housing co-operative • it is unreasonable for the household to reside in a shared accommodation; or • the level of support services required does not match the level of service provided for the unit (supportive units only) <p>Effective September 23, 2019, HSA O. Reg 318/19 was introduced and O. Reg 367/11 s. 50 and s. 77 were amended to set out an additional ground upon which a Housing Provider may refuse to offer a unit to a household. The rule provides a new tool that Housing Providers may use to address safety concerns.</p> <p>A prescribed Social Housing Provider may refuse to offer a unit to a household if:</p> <ul style="list-style-type: none"> • a member of a household was previously evicted from a housing project listed in the <i>Housing Services Act 2011</i>; through an order of the Landlord and Tenant Board based on an illegal act (commonly referred as "N6" or "N6C" – N6- Notice to End A Tenancy for Illegal Acts) for serious illegal activity within the past five years: and • the Housing Provider has reasonable ground to believe that the household will pose a risk to the safety of others in the housing project.

	<p>The N6 upon which a Housing Provider may refuse to offer a unit must be issued based on one or more of the following types of illegal acts:</p> <ul style="list-style-type: none"> • Production, trafficking, or possession for the purposes of trafficking an illegal drug; • Illegal production, distribution or sale of cannabis; • Physical violence or attempted physical violence against another person; • Physical harm or attempted physical, or a risk of physical harm to another person; • Human trafficking • Use of threats to, intimidation of, and harassment of another person. <p>The Housing Provider must have reasonable grounds to believe that the household will pose a risk to the safety of one or more individuals at the housing project including residents and Housing Provider staff.</p> <p>Housing Provider refusals are not included in a household's refusal count.</p> <p>Applicants remain eligible to be in receipt of RGI assistance or to be on the ATH wait list despite a Housing Provider refusal.</p>
<p><i>Housing Providers Responsibilities</i></p>	<p>When there is a vacancy, Housing Providers will determine if the vacant unit will be RGI or market by examining their:</p> <ol style="list-style-type: none"> a) Targeting plan (HSA Part VII Housing Providers and CHH), or b) Rent Supplement Agreement <p>If there is no RGI assistance available, the Housing Provider will fill the vacancy with a market household.</p> <p>A Housing Provider must be able to support and document their decisions to offer or refuse a unit to a household.</p> <p>A Housing Provider must keep a printed copy of the ATH subsidiary list for each building to show the household placement on the list at the time of offer or refusal.</p> <p>If a household refuses a unit, the Housing Provider must notify ATH of the refusal within one business day.</p> <p>If a Housing Provider refuses to offer a unit to a household, the Housing Provider must provide the household with the following:</p> <ul style="list-style-type: none"> • Written notice within 7 days after making the decision • Reason(s) for the refusal, and

	<ul style="list-style-type: none"> Information about how to request an internal review with the Housing Provider. <p>Housing Providers are only required to notify an applicant of a refusal and to conduct an internal review (if the applicant requests it), in relation to the first refusal to offer a unit to an applicant and not subsequent refusals by the Housing Provider with respect to the same household (O.Reg 367/11, s 50(3)).</p> <p>If the Housing Provider refuses to offer a unit, it is not required to hold the unoffered unit vacant if a review of decision is requested. Once notice of a decision not to offer has been sent to the household, the housing provider shall move to the next household on the centralized wait list.</p> <p>Housing Providers must provide a copy of the written refusal to the ATH. The provider must also send a letter to the household in accordance with the Social Housing Review System policy.</p> <p>If the refusal decision is changed because of an internal review, the Housing Provider must notify ATH of the outcome of the review.</p>
<p>Access to Housing Staff Responsibilities</p>	<p>ATH staff must:</p> <ul style="list-style-type: none"> monitor all offer acceptances and refusals by applicants and Housing Providers and, review all offers prior to making the applicant ineligible. <p>When ATH staff record an applicant household's request for removal from a waiting list, they must specify if the applicant requested removal from a specific building list or the entire centralized waiting list.</p> <p>ATH staff must send written notification to all households who are made ineligible for RGI assistance as a result of one refusal of housing, and instructions on how to request a review of the decision as per Social Housing Review System policy.</p> <p>The Service Manager may determine that a household remains eligible for RGI assistance after the refusal of one valid offer in extenuating circumstances. This exception must be well documented on the ATH application file, available for review, and approved by the Service Manager.</p>

<p>Applicant and Tenant/Member Households Responsibilities</p>	<p>All applicant and tenant/member households are expected to provide all required documentation. If a household is unable to provide the required documentation due to an exceptional circumstance, serious medication condition, and/or a disability, a reasonable alternative to the required documentation, such as an affidavit may be accepted.</p> <p>An affidavit is not required in the following exceptional circumstances:</p> <ul style="list-style-type: none"> • A special priority household believes that they may be at risk if they attempt to obtain information or documents. • Staff determines that those who are homeless, hard to house, or experience other barriers to obtaining documents cannot comply with the provision of documents. <p>All exceptional circumstances, serious medication conditions, or disabilities must be recorded on the applicant or tenant/member file.</p> <p>Community Preferences on the Centralized Wait List</p> <p>An applicant household must indicate their housing community preferences on the centralized wait list for RGI assistance within the City of Hamilton area. The applicant household may change or remove their housing community preferences while on the centralized wait list.</p> <p>Until such time that a household indicates their preference for housing communities, the household preference shall be all housing communities that have appropriately-sized units.</p>
<p>COMPLIANCE</p>	<p>This policy complies with <i>Housing Services Act, 2011</i> O. Reg 318/19 s. 2 & 4 - 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.</p> <p>This policy also complies with HSA, O. Reg 367/11 s. 50 (1) and s. 77 about requirements for refusals by a Housing Provider.</p>
<p>References</p>	<p>Housing Services Act, 2011</p>
<p>Appendices</p>	<p>Housing Provider Steps for Filing a Vacant Unit Flow Chart</p>
<p>Approval</p>	<p>Author Names: Godfred Okyere-Koranteng, Housing Administration Officer Tammy Morasse, Senior Project Manager Manager Name: Brian Kreps, Manager of Social Housing Director Name: Edward John, Director Housing Services Date: 2020-11-25</p>

Housing Provider Steps for Filing a Vacant Unit

