

***Social Housing Review Policy***

<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 housing within Hamilton, including a system of reviews.
<b>PURPOSE</b>	<p>To establish a system for reviews for social housing applicant, tenant/co-op member and rent supplement households for decisions within the areas of review prescribed by the <i>Housing Services Act, 2011</i>.</p> <p>The purpose of a review is to give social housing applicants, tenants/co-operative members and rent supplement households an opportunity to challenge any decision about their initial or ongoing eligibility for rent-geared-to-income (RGI) or for special needs housing. Housing Providers and Access to Housing also have the opportunity to participate.</p>
<b>SCOPE</b>	This policy is applicable to social housing programs that adhere to the <i>Housing Services Act, 2011 (HSA)</i> . HSA, s. 155 -159 O. Reg. 367/11, s. 138 –139
<b>DEFINITIONS</b>	
<b><i>Access to Housing</i></b>	the Service Provider, who acts as the point of access for applicants for rent-geared-to-income subsidized housing, and maintains the corresponding waiting lists
<b><i>Housing Provider</i></b>	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
<b><i>Internal Review</i></b>	<p>an appeal process to review a decision made by a housing provider, including:</p> <ul style="list-style-type: none"> <li>• Refusing to offer a unit;</li> <li>• Changing rent;</li> <li>• Changing the eligibility for a particular size or type of unit</li> </ul>
<b><i>Review</i></b>	the appeal process established by the City of Hamilton to review adverse decisions made about a household by a housing provider or Access to Housing
<b><i>Review Panel</i></b>	a committee administered by the City of Hamilton as Service Manager to review decisions subject to review under the 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



**TERMS & CONDITIONS**

The *HSA* requires Service Managers to have a system and review body in place for dealing with reviews regarding the following waiting list and RGI related eligibility decisions about:

- rent-geared-to-income (RGI) assistance
- size and type of unit
- priority status on the wait list
- amount of rent payable
- losing eligibility for RGI assistance
- special needs housing

**Notice of Decisions**

Housing Providers and Access to Housing must give written notice of decisions to a household within **7** business days of the **original** decision.

**Social Housing Review Panel Reviews**

In Hamilton, the Social Housing review process is typically completed in two steps: \*\*\*

***Internal Reviews with Housing Providers***

- **Step 1** If a Tenant disagrees with any of the reviewable decisions made by a Housing Provider, they must first complete an **Internal Review** with the Housing Provider *before* a Social Housing Review Panel review can be requested.
- **Step 2** If *after* the Internal Review is completed, the Tenant still does not agree with the Housing Provider's decision, they can **then** request a review by the Social Housing Review Panel.

***Access to Housing Reviews***

- \*\*\*If an Applicant/Tenant disagrees with a decision made by Access to Housing about their wait list application, the Request for Review is **sent directly** to the City of Hamilton - Housing Services Division to see if the request is eligible for a Social Housing Review Panel review.

**Review Requests**

All requests should be submitted on the **Request for Review** form.

- The Request for Review form is used for reviews of an Access to Housing decisions or Housing Provider decisions.
- The completed form must be received by the City of Hamilton no later than 10 days after the household receives the results of the internal review completed by housing provider.
- Applicants/Tenants have 30 days to submit a Request for Review for Access to Housing decisions.

Time frames may be extended at the Service Manager's discretion.

Housing Providers or Access to Housing will also have the same opportunity to meet with the Review Panel and provide any supporting documentation relating to the decision.



**Review Panel Composition**

The Review will be scheduled by the Social Housing Review Panel within ten (10) business days of receiving the request. A time extension may be granted by the Service Manager.

Review Panel members must be knowledgeable of the HSA and local housing policies and how they apply to decisions subject to review. They must complete mandatory training provided by the City of Hamilton. The City reserves the right to accept, deny or repeal anyone's membership on the Review Panel.

Each review will have a panel composed of three persons without a conflict of interest from:

- a roster of social housing providers
- a roster of community agencies
- a roster of Service Manager, City of Hamilton Housing staff

The City will assess panel membership on an annual basis to determine the need to remove or add members

Review Panel members will not receive remuneration for sitting on the panel.

**Review Panel Decision Making**

City staff acts as chair to facilitate each review meeting, document the final decision and send the decision letter to the person who requested the review and the other party (e.g. housing provider or ATH).

- Decisions must adhere to the spirit and intent of the HSA, City approved policies and consider the specific circumstances of each review
- No one who participated in the original decision may participate in the review as a member of the Review Panel
- Panel members may use precedent in making its decisions and it will aim to treat all individuals equitably.
- Panel members may uphold or revise the original decision made by ATH or a Housing Provider
- Panel members will attempt to reach consensus, if this is not possible, the majority will determine the decision.
- Decisions are based on the information available to Panel members at the time of the review meeting.
- Decisions are made the same day of the review meeting.

**Results of the Review Request**

Written notice of the result of the Review will be given to the Applicant/Tenant/Co-op Member who requested the review within five (5) business days of the Review.

Decisions of the Social Housing Review Panel are final. There is no further opportunity to appeal.



**Liability**

Possible results for Request for Reviews:

- Upheld – Review Panel did not change the original decision made by the housing provider or ATH
- Revised – Review Panel changed the original decision
- Returned/Out of Scope - Request is for a decision that is not a reviewable decision under the HSA
- Returned/No Internal Review – Person who requested the Review must have an internal review with their housing provider completed before they can proceed with a SHRP request
- Withdrawn/Dropped – Person who requested the Review withdrew the request
- Withdrawn/Resolved with Provider or ATH – the issue to be reviewed was resolved with the Housing Provider or ATH prior to the Review meeting, therefore, the request is withdrawn
- Absent/No Show – Person who requested the Review did not attend the Review Panel meeting

Any Review request that is not a reviewable decision under the HSA is not eligible to be reviewed by the Social Housing Review Panel. Households who submit requests that are not reviewable will be given written notification that their request is outside of the scope.

The City of Hamilton’s Corporate Councils Liability policy provides Municipal Errors and Omissions Liability coverage which covers volunteers of the City while performing their duties for or in association with the City of Hamilton. This includes the volunteers of the Social Housing Review Panel. In order to be covered under this policy, the panel members must be acting as volunteers and not representatives of their agencies.


**RESPONSIBILITIES**

City of Hamilton staff oversees the Social Housing Review System.

The City provides:

- policy development, implementation and monitoring;
- Review Panel member recruitment and training;
- administrative support, such as: coordinating meeting dates, contacting review participants, preparing review packages, tracking requests and outcomes;

The Social Housing Review Panel reports to the Manager of Social Housing.

<b>Housing Services Policy</b>	 <b>Hamilton</b>	Content Updated: 2014-11-11
<b>Social Housing Administration</b>		<b>Housing Services</b>
<b>Social Housing Review System</b>		<b>Co-ordinated Access Guide</b>
Page 5 of 5		Approval: YEAR-04-01
<b>COMPLIANCE</b>	<p>Request for Reviews must be processed within the 10 day time frame mandated in the HSA.</p> <p>Each request for review is assessed by City of Hamilton staff to ensure the request is reviewable as per the HSA.</p> <p>All requests are entered into the Review Tracking Log to record:</p> <ul style="list-style-type: none"> <li>• Date request was received</li> <li>• Review meeting date</li> <li>• Reason for Review</li> <li>• Results of the Review</li> <li>• Date Decision letter was sent and by whom</li> <li>• Review Source (ATH or Housing Provider)</li> </ul> <p>The Review Panel must follow the Social Housing Review Panel Terms of Reference which may be amended or replaced from time to time.</p> <p>The Manager of Social Housing is responsible for compliance with this policy.</p>	
<b>HISTORY</b>	<p>The System of Reviews was developed in consultation with the City of Hamilton's Legal Services Department and the Hamilton Community Legal Clinic as well as a small consultation group made up of City staff, housing providers and housing advocates.</p> <p>Social Housing Review System came into effect: April 1, 2014  *Request for Reviews that occurred prior to April 1, 2014 are <i>not</i> subject to this policy</p>	
<b>Approval</b>	<p>Author Name: Tammy Morasse, Senior Policy Analyst  Manager Name: Robert McKnight, Manager of Social Housing  Director Name: Gillian Hendry, Director of Housing Services  Date: 2014-04-01</p>	