



Communiqué

Issue
2019-05

Date: June 28 2019

The Requirements, Recommendations and Guidelines in this Communiqué are applicable to the social housing providers administered by the City of Hamilton.

- | | |
|---|---|
| ✓ | Providers Under <i>Housing Services Act, 2011</i> |
| ✓ | Providers Under a Federal Operating Agreement |
| ✓ | Requirement |

SUBJECT: Service Manager Consent – Policy and Procedure

The purpose of this Communiqué is to provide you our Service Manager Consent Policy and Procedure. This Policy is **effective July 1, 2019**.

The City of Hamilton as Service Manager under the Housing Services Act, 2011 (HSA), is required to establish and administer local policies, and procedures for social housing in Hamilton, including specific consent decisions.


This policy specifies areas that require Service Manager Consent and establishes processes and procedures to be followed by Housing Providers seeking a Service Manager Consent.

A copy of the policy and an accompanying Business Case Template are attached to this communiqué for your ease of reference.

If you have any questions regarding the new policy or this communiqué, please contact your assigned Housing Administration Officer.

Sincerely,

Brian Kreps
Program Manager, Social Housing

Housing Services Division		Content Updated: 2019-06-17
		Policy and Procedure No. CoH19-0601-SMC1
Social Housing Administration		Effective Date: July 1, 2019

Subject: Requirement for Service Manager Consent

Applicable to:	The policy and procedures contained in this document apply to the following:	
	<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 type="checkbox"/> Other (s) -----

Content	<p>This document contains the following:</p> <ul style="list-style-type: none"> Policy Context Purpose of the Policy Service Manager Consent Authority Areas where Ministerial Consent is required Required Format for Submitting a Request for Service Manager Consent Responsibilities and Approval Process Compliance Questions References Appendences Approval
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<p>Policy Context</p>	<p>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 specific consent decisions.</p> <p>A Service Manager Consent is a decision made by the Service Manager (City of Hamilton) in response to certain requests from a housing provider. These Service Manager Consent(s) are required for certain activities/actions as set out in the <i>Housing Services Act, 2011</i>. The <i>Social Housing Reform Act (SHRA), 2000</i> which was replaced by Housing Services Act in 2011 designated the City of Hamilton to manage social housing programs in Hamilton.</p> <p>Amendments to the <i>Housing Services Act, 2011</i> (HSA) have resulted in changes to consent authorities. With the introduction of <i>Promoting Affordable Housing Act, 2016</i>, Service Managers now have the authority to make specific consent decisions effective January 1, 2017.</p> <p>The <i>Promoting Affordable Housing Act, 2016</i>, specifies that a Housing Provider may transfer, mortgage or develop the designated housing project or the land where it is located only with written consent of the Service Manager in whose service area the designated housing project is located.</p>
<p>Purpose</p>	<p>This Policy specifies areas that require Service Manager Consent and establishes processes and procedures to be followed by Housing Providers seeking a Service Manager Consent.</p>
<p>Service Manager Consent Authority</p>	<p>Under the HSA, 2011, the Service Manager (SM), has the authority to make specific consent decisions.</p> <p>These decisions include:</p> <p>(i) Certain changes to Local Housing Corporations (LHCs) including but not limited to:</p> <ul style="list-style-type: none"> • to sell, transfer, mortgage or redevelop their social housing properties • for easements (e.g. access) • to amalgamate with another corporation • to update or remove designation as Special Needs Housing Administrator • to apply for Land Transfer Tax Exemption <p>(ii) transfers of certain housing projects,</p> <p>(iii) mortgaging of housing projects under s. 161 and 162 of the HSA, 2011</p> <p>(iv) redevelopment of housing projects under s. 161 of the HSA;</p> <p>(v) corporate changes under s. 166 of the HSA, 2011</p> <p>(vi) Others;</p> <ul style="list-style-type: none"> • Changes (including increase or decrease) of Rent-Geared-to-income (RGI) Targets.

<p>Areas where Ministerial Consent is required (Ministerial Consent)</p>	<p>A Ministerial Consent is required for the following:</p> <ul style="list-style-type: none"> • transfer of certain housing projects, where the Service Manager has obtained court appointment of a receiver for the Housing Provider, or where members of the Housing Provider’s Board of Directors have been replaced by the Service Manager. • for Local Housing Corporation requests to opt-out of the mandated Housing Services Corporation’s bulk natural gas or insurance programs <p>Note: The Service Managers are required;</p> <ul style="list-style-type: none"> (i) under Section 35.1 the <i>Housing Services Act, 2011</i> to give the Ministry of Municipal Affairs and Housing written notice within 30 days of giving consent under clause 32 (a), 33 (1)(a), 34(a) or 35 (a); and, (ii) section 163 (i) a written notice within 10 days of giving consent under subsection 161 (2) or 162 (2), (iii) give the Minister written notice at least 45 days before giving a consent under subsection 161 (2) or 162 (2) to transfer the housing project or the land where it is located. This applies to where a housing project is subject to a mortgage guaranteed by the Province of Ontario or the Ontario Mortgage and Housing Corporation.
<p>Required Format for Submitting a request for Service Manager Consent</p>	<p>Requests for consent approval must be submitted to the Service Manager in a Business Case format provided in Appendix ‘A’</p> <p>The Housing Provider must compile all information that supports the consent request as outlined in the Business Case Template.</p> <p>Housing Providers must submit the business case and supporting documentation in writing to their assigned Housing Officers with the City of Hamilton at the following address:</p> <p style="text-align: center;">Social Housing Administration 350 King St, E Suite 110 Hamilton ON, L8N 3Y3 Tel: 905 546-3271 www.hamilton.ca</p> <p>Electronic copy submissions will be accepted and must be sent to the following email address: Housing@hamilton.ca with the email subject line: Service Manager Consent Request</p>

**Responsibilities
And Approval
Process**

Step 1:

Upon receipt of a complete Service Manager Consent request, City of Hamilton Staff will issue a formal letter acknowledging receipt of the request within 15 business days from the date of receipt of the submission.

Step 2:

Staff will assess such request using the following considerations where applicable:

- How will tenants be affected by the proposed request?
- How will the interests of affected residents and their families be protected?
- How will the Service Manager continue to meet its Service Level Standards as per the *Housing Services Act, 2011*?
- How will the revenues generated through the sale be used?
- How will the proposed sale impact the overall supply of social and affordable housing?
- Are there potential mortgage implications?
- How does the request align to Hamilton's Official Plan?
- Does the request require approval from City of Hamilton Council?
- Does the request require approval from the Ministry of Municipal Affairs and Housing?

Step 3:

Upon completion of the assessment phase, Staff will:

- approve the consent request as is, or
- deny the consent request,
- approve the consent request with further conditions,
- consult with the City of Hamilton's Legal Services Division
- submit a request to City of Hamilton Council if matters require consideration from the Shareholder
- obtain necessary Council Resolution approving the consent request or provide proof of delegated authority to Service Manager staff and/or
- submit a request to the Ministry of Municipal Affairs and Housing (MMAH) when there are matters that require Ministerial Consent.

There may be follow-up discussions/meetings between the Housing Provider and Service Manager to discuss the Consent request.

Each Service Manager Consent Request will be assessed individually on a case-by-case basis.

The Service Manager will provide a written decision to the Housing Provider in a timely manner once all information has been obtained.

Under this policy, the Service Manager's response to a Housing Provider Consent request will be final and not appealable.

<p>Compliance</p>	<p>As provided in the Policy Context section above, this Service Manager Consent Policy and Procedure complies with the prescribed requirements outlined in <i>Housing Services Act 2011, sections 32 – 35, section 140 (specific to Public Housing) and sections 161-165 of O. Reg 367/1</i> and other delegated authorities.</p> <p>Housing Providers must follow the conditions identified in the Service Manager Consent Approval or Denial notice.</p> <p>Under this policy, Housing Providers must request consent for Service Manager for all decisions outlined in the Service Manager Consent Authority section above.</p> <p>This policy will be monitored Annually by City Staff during the review of the Audited Financial Statements (AFS) and Annual Information Return (AIR) as well as during Housing Provider Operational Reviews.</p>
<p>Questions</p>	<p>If you have any questions or require further interpretation of the contents of this Policy and Procedure, please contact your Housing Administration Officer at the City of Hamilton.</p>
<p>References</p>	<p>Guide for Service Manager Consents under the <i>Housing Service Act, 2011</i> Housing Services Act, 2011 Promoting Affordable Housing Act, 2016, S.O. 2016, c.25 – Bill 7 Service Manager and Ministerial Consents under the Housing Services Act</p>
<p>Appendices</p>	<p>Appendix ‘A’ Business Case Format</p>
<p>Approval</p>	<p>Author Name: Kamba Ankunda, Senior Policy Analyst Manager Name: Brian Kreps, Manager Social Housing Administration Director Name: Edward John, Director Housing Services Date: 2019-June-18</p>

Business Case for Service Manager Consent

Request in one sentence

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Appendices:

Appendix “A” – Resolution of the Board of Directors.

Appendix “B” – List of Properties Proposed for Sale

Appendix “C” – Choose an item.

1. Executive Summary

2. Background

3. Project Description

Objectives

Identifying the Housing Units and Process for Sale

Method of Disposition of the Housing Units

Reinvestment Strategy for Proceeds of Sale

Resolution and Consents

Current and Future Tenants – This section must include the planned rent up process.

4. Strategic Alignment

Key considerations for Social Housing in the Hamilton's Official Plan

The City recognizes the necessary role of social housing in meeting the housing needs of residents without the resources to participate in the private housing market. Notwithstanding Condominium Conversion of Rental Housing Units, and Demolition/Redevelopment of Rental Housing Units, conversion to condominium and/or demolition/redevelopment of social housing units shall be permitted provided the following criteria are satisfied:

- (a) full replacement of all rent-geared-to-income units;
- (b) a tenant relocation and assistance plan addressing the provision of alternative accommodation for tenants at similar rents, including rent-geared-to-income subsidies, right-of-first-refusal to occupy one of the replacement subsidized units, and other assistance to mitigate the potential for hardship; and,
- (c) conversion shall be consistent with pertinent provincial legislation.

5. Environmental Analysis

- Hamilton Demographics
- Changing Rental Market Conditions
- Overview of current housing stock
- Provincial Considerations
- Funding Commitments/Investments
- Legislative and Policy Changes
- Municipal Comparisons (if required)

6. Alternatives

7. Cost/Benefit Analysis

- Current Cost Considerations
- Benefit Analysis
- Business & Operational Impacts
- Risk Assessment

8. Implementation

- Communications Strategy
- Tenant Engagement and Disruption Mitigation Plan

9. Conclusion/Recommendations

Appendences