


Housing Services Policy	 Hamilton	Content Updated: 2021-10-13
Social Housing Administration		Housing Services
Lease and Occupancy Agreements		
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Lease and Occupancy Agreements Policy		
POLICY STATEMENT	<p>The City of Hamilton, Housing Services Division requires every Housing Provider and every household that rents or occupies a unit in the Housing Provider's housing site to enter into a lease or, in the case of a co-operative housing unit, an occupancy agreement that meets the requirements in this policy.</p> <p>Under the <i>Housing Services Act 2011</i>, s. 75, a Housing Provider shall operate a housing project and govern itself in accordance with both the prescribed provincial requirements and local standards made by the Service Manager.</p> <p>As outlined in O.Reg 367/11, s. 100, Service Managers have the option to develop local rules related to prescribed matters, including leases and occupancy agreements.</p>	
PURPOSE	To define the terms and content of Housing Provider Leases and Occupancy Agreements.	
SCOPE	This policy is applicable to Housing Providers who must adhere to the <i>Housing Services Act, 2011 (HSA)</i> and Housing Providers who have an Agreement with the City of Hamilton	
DEFINITIONS <i>Housing Provider</i> <i>Lease</i> <i>Occupancy Agreement</i> <i>Rent-Geared-to-Income Assistance (RGI)</i> <i>Service Manager</i>	<p>a Non-Profit or Co-operative organization that provides social housing</p> <p>a written legal contract between the household (tenant) and the Housing Provider that sets out both the rights and the obligations of the household; the lease grants occupation during a certain period in exchange for a specified rent</p> <p>a written legal contract between the household (member) and the Co-operative Housing Provider that sets out both the rights and the obligations of the household; the occupancy agreement grants occupation during a certain period in exchange for a specified rent</p> <p>the reduced rent/housing charge paid by a household residing in a social housing unit based on the household's gross monthly income</p> <p>The City of Hamilton is the Service Manager designated to administer and fund the social housing program in Hamilton.</p>	




**TERMS &
CONDITIONS**

Requirements

Households must sign a lease or occupancy agreement prior to receipt of RGI assistance.

Every Housing Provider and every household that rents or occupies a unit in a Housing Provider's housing project must enter into a lease or in the case of a co-operative housing unit, an occupancy agreement that has the following provisions:

1. The term of the lease must not exceed one year.
2. The amount of market rent or housing charge for the unit and all other charges that the Housing Provider may impose under the HSA and/or the *Residential Tenancies Act, 2006*. For Co-operative Housing Providers, refer to O.Reg 367/11 s. 97 for allowable fees and charges
3. List all occupants of the unit and required signatories on the lease; including any additional persons whose occupation of the unit is agreed to subsequently by the Housing Provider
4. An appendix or separate schedule/clause that **requires RGI** households (in accordance with *HSA* and any City of Hamilton policies or local rules) to:
 - a. Complete a review of a household's continued eligibility for RGI assistance at least once in every 12-month period. The review should correspond with the anniversary date of when the household first began to receive RGI assistance (rolling reviews) or on a fixed date (fixed reviews) for all households as determined by the housing provider.
 - b. Household members whose income is to be included in the rent calculation are required to file their income tax returns annually as a condition of continued eligibility.
 - c. RGI households must provide notice of the following income changes within 30 days of their occurrence:
 - a permanent change in household composition
 - a household member is no longer a full-time student
 - a household member starts or stops receiving social assistance OW or ODSP
 - a household member receiving social assistance has a permanent increase in another source of income

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	<ul style="list-style-type: none"> ○ <i>a household member has had their income taxes reassessed</i> 5. <i>Rules for the temporary accommodations of guest and visitors as per the City of Hamilton’s Visitor and Guest Policy</i> 6. <i>Prohibits subletting or assignment of lease – any household who is found to do so is no longer eligible for RGI assistance</i> 7. <i>State that RGI assistance is subject to change; a household may lose eligibility for RGI assistance if the household breaches any of the household’s RGI-program-related obligations as set out in:</i> <ul style="list-style-type: none"> • <i>the lease or occupancy agreement</i> • <i>the Housing Services Act, 2011 and/or Local Policy Rules.</i> 8. <i>Include a consent for sharing of the household’s information for the purpose of arrears collection and future RGI eligibility with:</i> <ul style="list-style-type: none"> • <i>the City of Hamilton</i> • <i>Access Centres and Service Managers authorized under the Housing Services Act</i> 	
COMPLIANCE	<p><i>Legislative Reference: HSA s. 75, Ontario Regulation 367/11, s. 96 & 100 s. 5 Ontario Regulation 316/19</i></p> <p>Housing Administration Officers with the City of Hamilton will monitor compliance with this policy through the Operational Review process or when deemed necessary</p>	
Approval	<p>Author Names: Tammy Morasse, Senior Policy Analyst Kim Ryan- Senior Housing Administration Officer Manager Name: Brian Kreps, Manager of Social Housing Director Name: Edward Johns, Director of Housing Services Date: 2017-06-21 Revised 2021-10-13</p>	