

Housing Services Policy		Content Updated: 2017-06-19
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Property Management Procurement and Contracts for Housing Providers		RGI Guide
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Property Management Procurement and Contracts for Housing Providers Policy

POLICY STATEMENT	<p>All Housing Providers who must adhere to the <i>Housing Services Act, 2011 (HSA)</i> and/or have an agreement with the City of Hamilton, must follow the property management procurement and contracts standards in this policy.</p> <p>The City of Hamilton as Service Manager under the HSA is required to establish and administer policies and procedures for social housing within its applicable service area. As outlined in O.Reg 361/11, s. 100, the City of Hamilton has local rules related to prescribed matters, including property management which includes procurement of and contracts for property management services.</p>
PURPOSE	To establish property management standards for Housing Providers in Hamilton.
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 Board of Directors</i>	a group of individuals with a legal responsibility for oversight to the management of a Housing Provider – oversight responsibilities and process vary depending on the Board Governance model in use.
<i>Housing Project</i>	means all or part of the residential accommodation located in one or more buildings
<i>Housing Provider</i>	a Non-Profit or Co-operative organization that provides social housing
<i>Service Manager</i>	The City of Hamilton is a Service Manager designated to administer and fund the social housing program in Hamilton.
TERMS & CONDITIONS	
General Standards	<p>Housing Provider housing projects are generally managed in one of three ways:</p> <ul style="list-style-type: none"> • Self-managed with dedicated Housing Provider staff with benefits and rights under the <i>Employment Standards Act, 2000</i>. • Operated by property management companies on behalf of the Housing Provider. • Operated by individuals under contract to manage housing projects.



Each Housing Provider Board of Directors must decide what works best for operating its particular site(s).

Regardless of the property management model used, job descriptions and detailed contracts are critical to ensuring the property is well managed.

Housing Providers must ensure their housing projects are well managed, maintained in a satisfactory state of repair and fit for occupancy.

All staff providing property management services on behalf of a Housing Provider must be knowledgeable about:

- the *Housing Services Act, 2011* and its regulations;
- the transferred housing program under which the housing project operates, and;
- the structure and operation of non-profit housing corporations or non-profit housing co-operatives as it applies to the housing project.

Where the provider hires direct staff they must ensure there are human resources policies in place including but not limited to these policies:

- Hiring
- Discipline
- Termination
- Benefits including sick time and vacation
- Record Keeping
- Regular performance reviews
- Workplace harassment and safety
- Reporting any complaints and/or litigation as well as compliance issues, such as: Human Rights and Ministry of Labour complaints and compliance issues with Public Health, Property Standards, Fire Code, etc.



Procurement Process

Housing Providers must establish and follow transparent and competitive practices in tendering and contracting property management services and/or in hiring its employees, subject to the provisions of any collective bargaining agreement to which the Housing Provider is a party.

Only the City of Hamilton as Service Manager may decide if a Housing Provider may forego the requirement for the competitive process.

Required Contract Provisions

Property management services contracts must be in writing and:

- set out the term of the contract which cannot exceed a term of three years;
- specifically identify the goods and services to be provided by the property management service;
- detail the amount to be paid by the Housing Provider;
- prohibit the property management service from charging additional amounts without re-negotiation of the contract;
- allow the Housing Provider to terminate the contract on 60 days' notice, or on 30 days' notice if termination is for breach of contract, unless the parties to the contract agree to shorter notice periods;
- contain a training plan to ensure property management staff are kept up-to-date with the City of Hamilton local rules, standards and policies and are familiar with existing and new legislative requirements;
- outline the property management firms understanding that all related financial, correspondence and resident affiliated files, produced either in paper or electronic format, remain the sole property of the Housing Provider and are willingly and reasonably returned upon receipt of contract termination and/or completion;
- to mitigate a breach in privacy, an agreement clause outlining the requirement and a confirmation detailing the property management firms method of disposal of electronic records from the property management firms computers when the contract terminates;



- be non-renewable, and;
- be non-assignable.

The property management contract or employment agreement shall require that Board receive a manager's report for every Board meeting that includes information on activities relating to administrative, maintenance, tenant/member relations and finance including a complete set of financial statements containing the following:

- i. a balance sheet with current, past month and past year account information
- ii. an income and expense statement with budget and previous year comparisons
- iii. a capital expense statement, and
- iv. bank reconciliations for all accounts.

During the term of the contract, the property manager and each and every sub-contractor is required to maintain in full force and effect and at its own expense, insurance coverage.

Prior to execution of a property management contract, the property manager shall provide the Housing Provider a certified true copy of the above policies and/or a Certificate of Insurance satisfactory to the Housing Provider.

The property manager or employee must agree to have access to materials and information regarding the Housing Provider's individual tenants/members and shall treat them as confidential information not to be disclosed to third parties or used in any unauthorized way without the prior consent and knowledge of the individual tenants/members.

The property manager or employee must agree to abide by the Conflict of Interest policy as it applies to the property management or employment agreement.

In the event of a triggering event, the City of Hamilton may exercise a remedy under the *Housing Services Act, 2011* which may include, but not limited to, the termination of a property management contract in exercising any of the powers or performing any of the duties of the Housing Provider under the HSA.

Contract Renewals

The Housing Provider may renew a property management contract at the end of its term without recourse to an open and competitive process if it:

- has written approval to renew the contract from City of Hamilton, Housing Services Division as Service Manager specifically the Manager of Social Housing;
- is satisfied with the services provided over the course of the previous contract, and;
- has reviewed the provisions of the contract and made any required changes.

Employment of Housing Provider Board Members

A Housing Provider is prohibited from employing, or from entering into a contract for the services of a member of its Board of Directors.

Despite this prohibition, a Housing Administration Officer and/or the Manager of Social Housing may give approval for a Housing Provider to employ a member of its Board of Directors if all of the following apply:

- the employment is to fill a temporary vacancy and the Housing Provider is actively seeking someone else to perform the role
- the employment is of an on-call or casual nature
- the employment is non-supervisory and non-managerial
- the remuneration is nominal
- the Board Member is employed for no more than 6 months
- the Board Member has resigned from the Board of Directors

COMPLIANCE

Each Housing Provider must develop job descriptions, contracts, policies and procedures which are available for review by the Service Manager at the Operational Review or upon request.

Housing Providers with contracts for property management services with companies, corporations or individuals will ensure contracts are reviewed and approved by the Housing Provider's solicitor and the Service Manager prior to being executed.

Housing Providers shall review this Policy with their Board of Directors. Review of this policy must be noted in Board Meetings. A copy of this

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	<p>policy shall be retained with the corporate bylaws and made available for reference and review.</p> <p>Housing Providers and the respective Board of Directors must ensure compliance with this policy.</p> <p>Housing Administration Officers with the City of Hamilton, Service Manager will review Housing Provider meeting minutes to confirm compliance.</p> <p>As a best practice, Housing Providers are encouraged to annually review the performance of property management and compliance with the property management contract.</p>	
Approval	<p>Author Name: Tammy Morasse, Senior Policy Analyst Manager Name: Adam Sweedland, Manager of Social Housing Director Name: David Brodati, Acting Director of Housing Services Date: 2017-06-21</p>	