


|   |   |                                   |
|---|---|-----------------------------------|
| <b>Housing Services Division Policy</b> |  | Content Updated: 2023-04-27       |
| <b>Social Housing Administration</b>    |   |                                   |
| <b>Basic Eligibility Requirements</b>   |   | Housing Services                  |
| Page 1 of 7                             |   | <b>Effective Date: 2023-07-01</b> |
|   |   | Approval: 2021-10-13              |

**Basic Eligibility Requirements**

|                                |   |
|--------------------------------|---|
| <p><b>POLICY STATEMENT</b></p> | <p>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.</p> <p>The HSA sets out rules about who is eligible for rent-geared-to-income (RGI) assistance. RGI assistance is commonly called subsidized or social housing. People who are eligible for RGI assistance pay reduced rent which is roughly equal to 30 per cent of their total net household income.</p> |
| <p><b>PURPOSE</b></p>          | <p>To establish the basic eligibility requirements for households to be placed on the centralized waiting list for Rent-Geared-to-Income (RGI), be granted RGI assistance, and/or continue to receive RGI assistance.</p>   |
| <p><b>SCOPE</b></p>            | <p>This policy applies to all applicants who:</p> <ul style="list-style-type: none"> <li>(i) may wish to apply to be on the centralized waiting list;</li> <li>(ii) who are already on the centralized waiting list; and</li> <li>(iii) who have been granted or are already in receipt of RGI assistance.</li> </ul>   |

|  |  |
|--|--|
| <p><b>DEFINITIONS</b><br/> <b><i>Access to Housing (ATH)</i></b></p> | <p>The point of access for applicants for rent-geared-to-income subsidized housing, and maintains the corresponding waiting lists, also known as the Centralized Waiting List</p>  |
| <p><b><i>Arrears</i></b></p>   | <p>Money owed by a household to a social housing provider as a result of unpaid rent and/or damages</p>  |
| <p><b><i>Centralized Waiting List (CWL)</i></b></p>                  | <p>The combined waiting list for all social housing providers in a service area that is required to participate in co-ordinated access system</p>  |
| <p><b><i>Extenuating Circumstances</i></b></p>                       | <p>Extenuating circumstances may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• the illness/death of an immediate relative (spouse/partner, child, parents, siblings or legal guardian)</li> <li>• Attending to, or caring for an ill or dying family member, addressing legal matters regarding a recently deceased family member or seeking medical treatment not available in Hamilton</li> <li>• Incarceration, for which this policy includes individuals who are: <ul style="list-style-type: none"> <li>○ Awaiting trial and not convicted</li> <li>○ Serving time due to a conviction</li> </ul> </li> </ul> <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> |

|  |  |   |                                   |
|--|--|---|-----------------------------------|
| <b>Housing Services Division Policy</b>                      |  |  | Content Updated: 2023-04-27       |
| <b>Social Housing Administration</b>                         |  |   |                                   |
| <b>Basic Eligibility Requirements</b>                        |  |   | Housing Services                  |
| Page 2 of 7  |  |   | <b>Effective Date: 2023-07-01</b> |
| <b>Household</b>   | An individual who lives alone or two or more individuals who live together within a housing unit.  |   |                                   |
| <b>Housing Provider</b>                                      | A Non-Profit or Co-operative organization that provides social housing under the administration of the Service Manager. The City of Hamilton, Housing Services Division acts as the housing provider for the Rent Supplement program   |   |                                   |
| <b>TERMS &amp; CONDITIONS</b>                                | To apply for RGI assistance, applicants must complete an application and Building Selection Form and return the completed forms with proof of status in Canada to Access to Housing (ATH).   |   |                                   |
| <b>Initial Eligibility for Placement on the Waiting List</b> | <p>If an applicant meets basic eligibility criteria for RGI assistance, an applicant's name is placed on the Centralized Waiting List for subsidized housing.</p> <p>Each household must, at minimum, have a signed and completed Access to Housing (ATH) application, required documents and building selection form in order to be assessed for eligibility for the centralized wait list and if eligible, to receive an offer of RGI housing or a rent supplement. Additional forms and other documentation may be required depending on the circumstances.</p> <p>To be eligible to apply for RGI assistance or continue to receive RGI assistance, a household must meet the following conditions:</p> <ul style="list-style-type: none"> <li>• At least one member of the household is 16 years of age or older;</li> <li>• At least one member of the household can live independently, with or without support services;</li> <li>• Each member of the household is one of the following: <ul style="list-style-type: none"> <li>○ a Canadian citizen;</li> <li>○ a permanent resident of Canada or has applied for permanent resident status: or</li> <li>○ a refugee claimant or convention refugee</li> <li>○ If a household includes a person who came to Canada on a visa, the household is not eligible for RGI assistance, unless Immigration Canada has accepted an application for permanent resident status from the visa holder.</li> </ul> </li> <li>• There is no removal order under the Immigration &amp; Refugee Protection Act Canada which has become enforceable against anyone in a household</li> <li>• There are no household members who previously received RGI assistance they were not entitled to receive, or misrepresented</li> </ul> |   |                                   |



their income for the purpose of receiving RGI assistance

**Note:** Under the HSA a finding of misrepresentation under the Landlord and Tenant Board is not grounds for RGI ineligibility

- The Household no longer owns residential property (suitable for year-round occupancy) - must sell/have sold within 180 days of being housed as per [Divestment of Property](#) policy
- The Household's income does not exceed the limits as prescribed the Income and Asset Limit policy
- The Household's assets do not exceed the limits as prescribed by the Income and Asset Limit policy
- No member of the applicant household owes money to any **social housing provider** in Ontario, unless:
  - there is a repayment agreement in place;
  - there are exceptional circumstances; or
  - the household has made reasonable efforts to enter into a repayment agreement.

**Note:** Applicant households are not required to have a repayment agreement in place with private landlords in order to be eligible for RGI

**Unit size** - Bedroom sizes selected are reviewed for compliance with the [Occupancy Standards Policy](#). If bedroom size requests comply, then the applicant household is placed on applicable waiting lists. If a modified unit and/or extra bedroom is requested for medical reasons, documentation is required to support the request.

**Note:** Households paying market rent in social housing must meet the eligibility criteria and follow the process in the [Market to RGI policy](#) to apply for RGI subsidy.

Where a household meets all eligibility requirements, they are deemed eligible for placement on the centralized waiting list and will receive a letter verifying their eligibility.

Where a household does not meet all eligibility requirements, it is deemed ineligible for placement on the centralized waiting list and will receive a letter indicating it is ineligible and the rationale for the decision. If a household does not meet all eligibility requirements, it will only be re-assessed for eligibility if it subsequently meets requirements.



Ongoing Eligibility

In order to maintain eligibility, a Household must:

- continue to meet the occupancy standards for the unit in which it has applied, currently resides in, or is on a waiting list for a suitable size unit as per the [Occupancy Standards Policy](#)
- pursue required sources of income as per the [Pursuit of Income](#) policy (this does not apply to applicants on the wait list)
- not be absent from their unit for a period longer than is permitted by [Absence from Unit](#) policy
- report within the required time of 30 business days any changes in household composition as per the [Additions to Household](#) policy.
- not exceed the total household income limits as prescribed the [Income and Asset Limit](#) policy
- not exceed the total household asset limits as prescribed in the [Income and Asset Limit](#) policy
- maintain their application on the centralized waiting list if overhoused, as per the [Overhoused](#) policy.
- If overhoused, not refuse one offer of housing, while on either the internal transfer waiting list or the centralized waiting list. **Note**, the household must first be notified that they are overhoused and then given 12 months before this provision becomes enforceable. (O.Reg 367, s. 38 (2))
- continue to honour any repayment agreement(s) with a social housing provider(s) (as applicable)
- not have paid the equivalent of market rent/housing charge for two years.
- have filed a return of income under the *Income Tax Act (Canada)* prior to the annual review.

When a household living in social housing ceases to qualify for RGI assistance, they are entitled to stay in their unit but will be charged market rent.

If any of the above conditions apply, the Housing Provider must send a letter to the household notifying that it ceases to qualify for RGI.

If any of the above conditions are not met, the household is ineligible to be on the ATH wait list or continue to receive RGI assistance.



**Annual Renewals**

Each household receiving a rent supplement or RGI assistance is required to undergo an annual review. Each household must complete the Annual Review Package once every 12 months. This package includes forms for income and asset information, consent for disclosure of information, and a declaration of the accuracy of the information provided. Additional forms and information may be required depending on the household's circumstances.

**Arrears**

Applicants who owe arrears for rent, damages by a current member of the household or misrepresentation from a previous tenancy with a social housing provider are ineligible for to be on the waiting list for RGI assistance unless:

- they have entered into a repayment agreement with the housing provider;
- they have made reasonable efforts to enter into a repayment agreement with the housing provider, and/or;
- there are exceptional circumstances

The arrears may have been incurred as either a previous RGI or market tenant or co-op member with a social housing provider or a rent supplement landlord. Arrears from a private market landlord do not change eligibility for placement on the waiting list.

If the arrears are owed by a Special Priority applicant for a unit that they shared with the abuser, the applicant is responsible for repayment of only half the arrears in order to be eligible for RGI assistance.

**Removal from the ATH Wait List**

Households are removed from the ATH centralized waiting list if the household:

- fails to report a change that affects their initial or continuing eligibility;
- no longer meets an eligibility requirement;
- has failed to provide information required to establish continued eligibility;
- asks to be removed;
- meets the eligibility criteria but cannot be reached to complete an update on the application;
- refuses 1 offer of RGI unit; or
- accepts an offer of housing in a RGI unit;
- accepts a Portable Housing Benefit.

|                |   |
|----------------|---|
| <b>Reviews</b> | <p>If any of the above conditions apply, ATH staff must send a letter to the household notifying that their application has been cancelled and setting out the reasons for ineligibility and information about how to request a review of the decision as per <a href="#">Social Housing Reviews System policy</a>.</p> |
|----------------|---|

|  |  |
|--|--|
| <p><b>RESPONSIBILITIES</b></p> <p><b>Access to Housing</b></p> | <p>ATH staff is responsible for obtaining all verification documentation required for the centralized wait list from applicants. ATH staff must maintain copies of the documents in the physical file and/or scanned on the electronic file.</p> <p>Due to the confidential nature of the information collected about households through the application process, all reasonable caution must be taken to ensure the privacy of applicants and tenants/members. Only information verifying an applicant’s initial and ongoing eligibility, and if applicable, eligibility for Special Priority, Urgent Status, Homeless Status or Special Needs housing is collected.</p> <p>ATH determine initial as well as ongoing eligibility for placement on the centralized waiting list for RGI housing, which includes rent supplement units. ATH is also responsible to sending notification with households regarding initial as well as ongoing eligibility.</p> |
| <p><b>Timelines for Processing Applications</b></p>            | <p>HSA, Reg. 367/11, s. 44 allows Service Manager discretion in establishing timelines for “if an application for housing is not complete, the household shall be notified without delay” and “once an application becomes complete, the determination of eligibility shall take place without delay.”</p> <p>The City of Hamilton and ATH will use the timelines for processing applications as follows:</p> <ul style="list-style-type: none"> <li>• Written notice of incomplete applications will be sent “without delay” within 7 days</li> <li>• Once an application is complete, a decision of eligibility is required within 30 days</li> <li>• For Special Priority applications, eligibility determination is required to be sent within 14 days, as per legislation</li> </ul>  |
| <p><b>Reporting Arrears to ATH</b></p>                         | <p>Housing Providers must report all former tenant or co-op member arrears must be reported to ATH including the following information:</p> <ul style="list-style-type: none"> <li>• first name and last name of the former tenant</li> <li>• date of birth or the Social Insurance Number (SIN) of the former tenant(s)</li> </ul>  |

|   |  |
|---|--|
| <p><b>Reinstatement on the waiting list</b></p> | <ul style="list-style-type: none"> <li>• the address and unit number where the arrears were incurred</li> <li>• amount owing</li> <li>• move-out date</li> <li>• whether or not there is a repayment agreement, and if the repayment agreement is in pay</li> <li>• whether the arrears were incurred due to misrepresentation of income, damages or non-payment of rent</li> <li>• any additional details as determined by the housing provider.</li> </ul> <p>The Housing Provider must update ATH if the arrears are subsequently paid or the household defaults on the repayment agreement. This will ensure that other housing providers have accurate information to determine RGI eligibility at the time of offer.</p> <p>Applicant households removed from the waiting list due to outstanding arrears and/or damages will only be placed back on the waiting list once the arrears/damages owing are paid in full <b>or</b> an approved repayment schedule is established with the housing provider. The applicant's original application date will be honoured.</p> |
| <p><b>COMPLIANCE</b></p>                        | <p>All RGI and rent supplement applicants are subject to this policy and any related policies identified there in (e.g. Occupancy Standards).</p> <p>ATH staff determines initial and ongoing eligibility to be on the centralized waiting list based on a complete application only.</p> <p>Applications will not be considered for eligibility if the application forms are incomplete and/or if documents are missing.</p> <p>Households must comply with all initial and ongoing eligibility requirements.</p>   |
| <p><b>Approval</b></p>                          | <p>Authors:<br/> Mike Jones, Senior Policy Analyst;<br/> Tammy Morasse, Senior Project Manager<br/> Sam Hanna, Social Policy Analyst<br/> Manager Name: Brian Kreps, Manager of Social Housing<br/> Director Name: Michelle Baird, Director – Housing Services</p> <p>Original Approval Date: 2016-11-07<br/> Revision Date: 2023-04-27</p>  |