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| Housing Services Division |  | Content Updated: 2023-07-19 |
| | | Policy and Procedure No. CoH19-0601-SMC1 |
| Social Housing Administration | | Effective Date: June 23, 2023 |

Subject: Requirement for Service Manager Consent


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| 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) ----- |

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| 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 |
| Policy Context | <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>With the passing of the Promoting Affordable Housing Act, 2016, and amendments to the Housing Services Act that came into effect on January 1, 2017, Service Managers have broader authority to make specific consent</p> |

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| | <p>decisions that were previously made by the Minister of Municipal Affairs and Housing, including transferring, mortgaging, or developing designated housing projects or the land where the project is located.</p> |
| <p>Purpose</p> | <p>This Policy specifies areas that require Service Manager Consent or delegated authority and establishes processes and procedures to be followed by Housing Providers seeking a Service Manager Consent.</p> |
| <p>Service Manager Consent Authority</p> | <p>Situations requiring Service Manager consent under the Housing Services Act includes:</p> <ul style="list-style-type: none"> • making certain changes to local housing corporations (section 32 (a), 33 (a), 34 (a) and 35 (a) and 98(7) of the Housing Services Act); • modifying targets for the number of rent geared to income units and modified units (section 77 of the Housing Services Act); • transferring certain social housing projects (section 161(2) and 162(2) of the Housing Services Act); • mortgaging housing projects (section 161 and 162 of the Housing Services Act); • redeveloping housing projects (section 161 of the Housing Services Act); and, making corporate changes to non-profit Housing Provider articles or amalgamations (section 166 of the Housing Services Act). • Exercising remedies in relation to Projects-in-Difficulty (sections 85 and 86 of the Housing Services Act). • Determining rent in accordance with the regulations in the Housing Services Act (section 50 of the Housing Services Act). • Altering the mandate of a provincial or federal/provincial Housing Provider (section 76 of the Housing Services Act). <p>On July 23, 2023 (HSC23040), Council delegated authority to the General Manager of the Healthy and Safe Communities or designate, which includes Housing Services Staff, to provide consent on behalf of the Service Manager in accordance with subsection 17(1) of the Act, which allows Service Managers to delegate their powers or duties.</p> <p>Low-risk activities for which delegated authority from Council (SM) to Housing Services Staff has been received include:</p> <ul style="list-style-type: none"> • Delegated authority for housing providers wishing to mortgage or develop an existing social housing project so long as they are not taking on additional debt or reducing the number of overall units in the project. An exception is made in the case of debt owed to the City of Hamilton • Delegated authority to determine rent for a social housing unit in accordance with the Housing Services Act • Delegated authority to modify the targets for the number of rent-geared-to-income units and modified units that do not negatively impact the City of Hamilton’s service level standards |

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| | <ul style="list-style-type: none"> Delegated authority to determine remedies for projects in difficulty when no costs to the City are incurred. <p>All other Service Manager Consents continue to be reviewed and approved by Council, including other issues relating to mortgage, sale and development of housing projects listed under the Housing Services Act that result in encumbering the property or changing the number of units in the property.</p> |
| <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 Service Manager consent approval, including Delegated Authority approval, must be submitted to City staff 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 or via electronic mail to their assigned Housing Officers. If submitting in writing, please send to the attention of your Housing Officer at the following address:</p> <p style="text-align: center;">Social Housing Administration 350 King St, E Suite 110 Hamilton ON, L8N 3Y3</p> <p>Electronic copy submissions should be sent directly to your Housing Officer with the email subject line: Service Manager Consent Request</p> |

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| <p>Responsibilities And Approval Process</p> | <p><u>Step 1:</u></p> <p>Upon receipt of a complete Service Manager Consent request, City of Hamilton Staff will send an email or letter acknowledging receipt of the request.</p> <p><u>Step 2:</u></p> <p>Staff will assess such request using the following considerations where applicable:</p> <ul style="list-style-type: none"> • 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 <i>Housing Services Act, 2011</i>? • 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? <p><u>Step 3:</u></p> <p>Upon completion of the assessment phase, Staff will do one or more of the following:</p> <ul style="list-style-type: none"> • 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 Service Manager Consent is required • obtain necessary Council Resolution approving the consent request or approval of delegated authority consent if applicable and/or • submit a request to the Ministry of Municipal Affairs and Housing (MMAH) when there are matters that require Ministerial Consent. <p>There may be follow-up discussions/meetings between the Housing Provider and Service Manager to discuss the Consent request.</p> <p>Each Service Manager Consent Request will be assessed individually on a case-by-case basis.</p> <p>The Service Manager will provide a written decision to the Housing Provider in a timely manner once all information has been obtained.</p> <p>Under this policy, the Service Manager's response to a Housing Provider Consent request will be final and not appealable.</p> |
| <p>Compliance</p> | |

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| | <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> |
| Questions | <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> |
| References | <p><u>Guide for Service Manager Consents under the <i>Housing Service Act, 2011</i></u> <u>Housing Services Act, 2011</u> <u>Promoting Affordable Housing Act, 2016, S.O. 2016, c.25 – Bill 7</u> <u>Service Manager and Ministerial Consents under the Housing Services Act</u></p> |
| Appendences | <p><u>Appendix ‘A’ Business Case Format</u></p>  <p>Business Case - Format.docx</p> |
| Approval | <p>Updated by: Elissa Press Original Author: Kamba Ankunda, Senior Policy Analyst Manager Name: Brian Kreps, Manager Social Housing Administration Director Name: Michelle Baird, Director Housing Services Date: 2023-July-19</p> |