

DIRECTIVE

EFFECTIVE DATE: Nov. 13, 2003

NUMBER: 2003-15

The policies, procedures and County requirements in this Directive are to be implemented by housing providers that are funded under the following Programs, which are administered by the County:

Please note if your program is not checked, this Directive is not applicable to your project(s), and is for information purposes only.

-
-
-
-

Federal/Provincial Non-Profit Housing Program
 Ontario Non-Profit Housing Programs
 Federal/Provincial & Ontario Co-operative Housing Programs
 Simcoe County Housing Corporation

-
-
-

Rent Supplement – Commercial*
 Rent Supplement-Homelessness Initiative*
 Rent Supplement-OCHAP & CSHP*

*Applies to these Programs only in respect of overhoused status

SUBJECT: NOTICES RESPECTING THE OFFER OF OR REFUSAL TO OFFER A UNIT AND OVERHOUSED STATUS

BACKGROUND

Ontario Regulation (O. Reg.) 339/01 sets out the provincial requirements respecting the selection of households by housing providers to occupy vacant units in their housing projects. This policy document describes the requirements in relation to the notices which must be given at different stages during the selection process. In addition, this policy describes the procedure for issuing notices respecting households who are overhoused relative to the County’s local occupancy standards.

VACANT UNITS

A housing provider must select households to occupy vacant units in accordance with County directive 2003-09, entitled ‘Selection of Households for Rent-Geared-To-Income and Special Needs Housing Units’.

NOTICE OF DECISION TO ACCEPT OR REFUSE A UNIT

If a housing provider offers a unit to a household, other than a household on its internal transfer list, the housing provider shall give the administrator of the centralized waiting list (CWL) notice in writing of the household's decision to accept or refuse the unit, within 10 days after the household advises the housing provider of the household's acceptance or refusal. The notice that the housing provider shall give must include the following information:

1. The name and address of the housing provider.
2. The name and address of the housing project and sufficient information to identify the unit.
3. The names of the members of the household, and their dates of birth.

Please refer to the Appendix to this policy for a sample notice.

NOTIFYING A HOUSEHOLD OF REFUSAL TO OFFER

A housing provider may refuse to offer a unit to a household only on prescribed grounds (see County Directive 2003-09 entitled 'Selection of Households for Rent-Geared-To-Income and Special Needs Housing Units').

If a housing provider refuses to offer a unit to a household, the housing provider shall notify the household of the refusal. Such notification must:

- be in writing and given to the household not more than 10 days after the housing provider offers the unit to another household,
- contain the reasons for the housing provider's refusal to offer the unit to the household and set out the facts on which the housing provider relied in making its decision,
- inform the household members of their right to request an internal review of the decision and explain how and by when to do so (refer to County Directive 2002-03 'Internal Review Process').

Please refer to the Appendix to this policy for a sample notice.

A housing provider shall maintain a written record of any decision it makes to refuse to offer a unit to a household, including a copy of the notice given to the household and the information used by the housing provider in making its decision, for a period of at least 7 years after the day the notice of the decision is given to the household.

NOTIFYING THE CWL ADMINISTRATOR OF REFUSAL TO OFFER

After a household has been given notice by the housing provider of its decision to refuse to offer a unit to a household, the housing provider should give to the administrator of the CWL a copy of the notice of refusal to offer which it gave to the household. Depending on the reasons for the refusal, the administrator may inform the household that it may be in its best interests to request that the building for which it was refused be removed from the household's selection of building choices on the CWL. The administrator may also recommend to the household that it remove any of the housing provider's buildings from its selection of building choices.

However, the household may request an internal review of the refusal to offer. If the internal review decision is that the household should have been offered the unit, the housing provider should inform the administrator of the CWL of the internal review decision. This may be done by sending a copy of the notice of the internal review decision to the administrator of the CWL.

NOTIFYING THE CWL ADMINISTRATOR OF OVERHOUSED HOUSEHOLDS

If, upon a review of eligibility for rent-geared-to-income (RGI) assistance, or as a result of changes in household composition reported by the household, a housing provider determines¹ that a household is overhoused relative to the County's local occupancy standards, and the household is not eligible for special needs housing, the following apply:

1. If none of the housing projects that the housing provider operates has a unit, occupied or not, that is of a size within the range in respect of which the household is eligible to receive RGI assistance under the County's local occupancy standards, the housing provider shall give the administrator of the CWL written notice of the fact and the administrator shall add the household to the CWL.
2. If paragraph 1 does not apply but one year after the household has been determined to be overhoused the household remains overhoused the housing provider shall give the administrator of the CWL written notice of that fact and the administrator shall add the household to the CWL.
3. If the household is added to the CWL under paragraph 1 or 2 and the household requests to be removed from the CWL, the household ceases to be eligible for RGI assistance.

The housing provider should ensure that the overhoused household completes a new housing application form, to be forwarded by the housing provider to the administrator of the CWL with the notice of overhoused status.

¹If a housing provider determines that a household is overhoused the household members must be given a notice informing them of the determination and of the fact that they may request an internal review of the decision (See Appendix 2 to County Directive 2002-02 for sample 'Notice of decision which may be reviewed').

Please refer to the Appendix to this policy for a sample notice.

Please note that, at any time, the composition of a household may change. The change may result in the household no longer being overhoused.

LEGISLATIVE REFERENCES

SHRA ss. 32(5), 82, 93(2) (d); O. Reg. 339/01 ss. 17-20; O.Reg. 298/01 ss.33, 56.

**APPENDIX TO 'NOTICES RESPECTING THE OFFER OF OR REFUSAL TO
OFFER A UNIT AND OVERHOUSED STATUS': SAMPLE NOTICES**

**NOTICE OF HOUSEHOLD'S DECISION TO ACCEPT
OR REFUSE A UNIT**

TO THE ADMINISTRATOR OF THE CENTRALIZED WAITING LIST

(This notice must be given within 10 days after the household advises You, as the housing provider, of acceptance or refusal of a unit)

Date of Notice:

Name(s) and Date(s) of Birth of Applicants:

On *(insert date here)* the applicants listed above accepted/refused
the offer of the following unit:

Yours truly,

**NOTICE TO HOUSEHOLD OF DECISION TO REFUSE
TO OFFER A UNIT**

(This notice must be given not more than 10 days after the unit to which it relates is offered to another household)

Date of Notice

Names of Household members (who are 16 years of age or older)

Address

This notice is to inform you that we will not be offering you the following unit:

The decision was made for the following reasons *(include the facts which were relied upon in making the decision)*:

If you disagree with this decision you may request an internal review of it. To do so you must give us a written request for a review within 10 business days from the date of this notice, addressed to:

Yours truly

(Copy this notice to the Administrator of the CWL)

**NOTICE RESPECTING THE OVERHOUSED STATUS
OF A HOUSEHOLD**

Page 1 of 2

TO THE ADMINISTRATOR OF THE CENTRALIZED WAITING LIST

Date of Notice

This notice hereby informs you that the following household:

who currently resides at:

was determined by *(insert name of housing provider)* to be
an overhoused household on *(insert date)* .

The current household composition is:

Delete whichever of the following statements does not apply:

(Insert name of housing provider) does not have any units of a size within the range in respect of which the household is eligible to receive rent-geared-to-income assistance under the local occupancy standards OR

The household remains overhoused one year after being determined to be overhoused.

Therefore please now add the household to the centralized waiting list in the Overhoused Category.

Yours truly,

SEE INSTRUCTIONS ON NEXT PAGE

**NOTICE RESPECTING THE OVERHOUSED STATUS
OF A HOUSEHOLD**

Page 2 of 2

If an application form signed by the household does not accompany this form, please send one to the household with a timeline for return, informing the household that if it does not return the form in time it will be deemed to have chosen the largest units for which it is eligible in ANY eligible housing project in the County.