


<p><i>Social Services Department</i> <u>Social Housing Division</u></p>	<p><i>The Corporation of the</i> County of Simcoe</p>	
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DIRECTIVE

DATE: November 14, 2002

NUMBER: 2002-04

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).

<input checked="" type="checkbox"/>	Federal/Provincial Non-Profit Housing Program	<input checked="" type="checkbox"/>	Rent Supplement - Commercial
<input checked="" type="checkbox"/>	Ontario Non-Profit Housing Programs	<input checked="" type="checkbox"/>	Rent Supplement-Homelessness Initiative
<input checked="" type="checkbox"/>	Federal/Provincial & Ontario Co-operative Housing Programs	<input checked="" type="checkbox"/>	Rent Supplement-OCHAP & CSHP
<input checked="" type="checkbox"/>	Simcoe County Housing Corporation		

SUBJECT: RENT-GEARED-TO-INCOME-ASSISTANCE: GUIDELINES TO DETERMINE INITIAL ELIGIBILITY

DELEGATED AUTHORITY

The County of Simcoe, as service manager, has delegated the determination of initial eligibility for rent-geared-to-income (RGI) assistance and the review of eligibility of households on the centralized waiting list to Simcoe County Housing Corporation (SCHC).

APPLICATION REQUIREMENTS

Before determining whether a household is eligible for RGI assistance the application form must be complete. The following need to be checked:

- Have the application and consent to disclosure of information and documents been signed by each household member who is 16 or older? If a household member is unable to sign the application or consent, or unable to make a valid application or give a valid consent, an authorized person may sign on the member's behalf.

- Has applicant provided a copy of a birth certificate and proof of status in Canada for each household member?

If SCHC is satisfied that the household or third party cannot provide information or a document, or the household member who has requested special priority status for the household believes that she/he will be at risk from the abusing individual in attempting to obtain the information or document, then SCHC will not require the household or third party to provide such information or document.

NOTICE UPON RECEIPT OF APPLICATION

Within 7 business days after receiving the application, SCHC must give the household a written notice stating whether the application is complete or not.* If an application is not complete but, subsequent to the written notice, it is completed, a written notice stating that the application is now complete must be given to the household promptly.

*Refer to sample notice in Appendix 2 to ‘OPPORTUNITY TO COMMENT, DECISIONS AND NOTICES’ document.

CHECKLIST TO DETERMINE INITIAL ELIGIBILITY

When the application is complete, check the following to determine the eligibility of the household for RGI assistance:

- At least one household member is 16 or over and can live independently.
- Each household member is: a Canadian citizen, or a permanent resident under the Immigration Act, or has made a claim for refugee status.
- No deportation order has been made against any household member.
- No departure or exclusion order has become effective with respect to any household member.
- No household member owes rental arrears or arrears for damages to any social landlord.
- If a household member does owe such arrears, is SCHC satisfied that extenuating circumstances exist, or is a satisfactory repayment plan in place and is the member making or intending to make all reasonable efforts to repay the arrears? If ‘Yes’ the household is not ineligible due to the arrears.
- In the case of special priority households where the arrears relate to a unit of which the member and the abusing individual are joint tenants, the repayment plan need only be for 50% of the arrears.

- No member of the household has been convicted of RGI fraud or found by the Ontario Rental Housing Tribunal (ORHT) or a court of law to have misrepresented income in relation to receipt of RGI assistance. If the household fails to meet these criteria it may not re-apply for RGI assistance for two years.
- Where a previous member of the household committed these offences, the household would not be disqualified if no household member knew about these offences or the household member who did know was not reasonably able to prevent the offences or the household member who made the misrepresentation is the abused member of a special priority household who was forced to make the misrepresentation by the abusing individual.
- Where a household has previously been determined to be ineligible because of the conviction for fraud or because a court or the ORHT found them guilty of misrepresentation of income, the household cannot be deemed ineligible again for the same conviction/finding.
- If a household member may be eligible for any of the following types of income: Ontario Works assistance, support payments, employment insurance, a pension/benefit available only to someone when he/she reaches age 65, or an immigration sponsorship payment, then SCHC shall give written notice to the household which requests the member to make reasonable efforts to pursue such income within a specified time period. A household is not eligible for RGI assistance if it fails to respond to a notice about pursuit of income within the specified time period or fails to make reasonable efforts to obtain income of a type specified in the notice.

AFTER A HOUSEHOLD HAS BEEN DETERMINED TO BE ELIGIBLE

- Inform the household that after it begins to receive RGI assistance each household member **must divest their interest in residential property** that is suitable for year round occupancy, **and give written notice of the divestment to SCHC within 180 days after the first day of the month in respect of which the household begins to receive RGI assistance.**** SCHC may extend this time period if satisfied that there are reasonable grounds to do so, and shall extend it if the abused member of a special priority household gives notice that he/she is at risk from the abusing individual in attempting to effect the divestment of property in which they hold a joint interest. If a member of the household fails to divest interest and give notice within the allowable time period the household ceases to be eligible for RGI assistance.
- If a household member acquires an interest in a property after the household begins to receive RGI assistance, the divestment must occur and the notice must be given within 180 days after the first day of the month in which the household member acquires the interest in the property. In these circumstances the notice

shall be given to the household's housing provider. The housing provider may extend the time period in accordance with the rules as described in the paragraph above.

- Inform the household that when there is a change in information or documents which the household has provided, the household **must report specified changes within 20 business days** of the change.** SCHC may extend this deadline if satisfied that the household acted in good faith and was unable to meet the deadline due to absence, accident, illness or some other reason beyond the household's control (refer to RENT-GEARED-TO-INCOME ASSISTANCE: REPORTING CHANGES OUTSIDE OF A REVIEW policy). If the household fails to report the changes within the time limit, or the deadline is not extended, the household ceases to be eligible for RGI assistance.

**The application form informs people of these requirements. In addition, a pamphlet about applicants' rights and responsibilities may be sent to people, when it is available, with the written notice of the decision about eligibility.

CESSATION OF ELIGIBILITY

In addition to the reasons stated previously in this document a household ceases to be eligible for RGI assistance if

- SCHC discovers that the household did not meet an eligibility requirement at the time eligibility was determined.
- The household has ceased to meet or does not meet an eligibility requirement.
- A household ceases to be eligible if it is added to the centralized waiting list as an overhoused household and requests to be removed from the list.
- A household ceases to be eligible if it refuses three offers of an RGI unit.

TIMESCALES FOR DECISIONS AND NOTICES

If SCHC receives third party information which may form a significant basis for a decision that a household is ineligible for RGI assistance, the household must be given a notice of opportunity to comment on the information before a decision is made. A decision about eligibility must be made within 30 days after the date of the written notice that the application is complete, or within 14 days after the date of the same notice if a request for inclusion in the special priority category is made with the application for RGI assistance. The 30 or 14 day period does not include any 'opportunity to comment' time, which, if given, must be at least 30 days after the date that the written notice of opportunity to comment is given. When a decision about eligibility for RGI assistance is made a written notice of the decision must be given to the household, within 7 business days after the decision is made. (Refer to 'OPPORTUNITY TO COMMENT,

DECISIONS AND NOTICES' document for the rules about notices, and examples of notices.)

LEGISLATIVE REFERENCES

Ontario Regulation 298/01, sections 5, 7-17.