

Directive

Directive: Occupancy Standards

Issue Date:	January 9, 2023	Directive No.:	DIR2023-01
Revision Date:		Replaces No.:	

Applicable Policy: Occupancy Standards HDPOL24

Type: Legislative/ Operational

The policies and procedures in this Directive are to be implemented by Housing Providers/Cooperatives funded by the Municipality under the following programs.

Provincial Non-Profit Housing Providers

- | | |
|---|--|
| <input checked="" type="checkbox"/> Gananoque Family Housing | <input checked="" type="checkbox"/> Gananoque Housing Inc. |
| <input checked="" type="checkbox"/> Legion Village 96 Seniors Residence | <input checked="" type="checkbox"/> Twp. of Bastard & South Burgess Housing Corp. |
| <input checked="" type="checkbox"/> Brockville Municipal Non-Profit Housing Corp. | <input checked="" type="checkbox"/> South Crosby Non-Profit Housing Corp. – Pineview |
-

Federal Non-Profit Housing Providers

- | | |
|---|---|
| <input type="checkbox"/> Athens & District Non-Profit Housing Providers | <input type="checkbox"/> Marguerita Residence Corp. |
| <input type="checkbox"/> Gananoque Housing Inc. | <input type="checkbox"/> South Crosby Non-Profit Housing Corp. – Rideau Lakes |
-

Federal/Provincial Cooperative Housing

- Shepherds Green Cooperative Homes Inc.
-

Affordable Housing Providers

- | | |
|---|--|
| <input checked="" type="checkbox"/> Elgin Seniors Housing Development | <input checked="" type="checkbox"/> 2049515 Ontario Inc. |
| <input checked="" type="checkbox"/> Housing Department | |
-

Housing Providers

- | | |
|--|---|
| <input checked="" type="checkbox"/> Housing Department | <input checked="" type="checkbox"/> Rent Supplement Program |
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BACKGROUND

The United Counties of Leeds and Grenville, as Service Manager, is required to establish occupancy standards for determining the eligible unit size for households receiving rent-gear-to-income (RGI) assistance under the *Housing Services Act, 2011*. *The Act* also allows the Service Manager to establish a local rule that provides for a household to cease to be eligible for RGI assistance, if all members of the household are absent from the unit for more than the maximum number of days specified in the local eligibility rule. This local rule regarding the maximum absence from the unit is included in the Occupancy Standards.

PURPOSE

This Directive communicates the revised Occupancy Standards applicable to all RGI households administered by provincial non-profit and co-operative housing providers, public housing and rent supplement providers. Federal housing providers should refer to their operating agreement for occupancy standards.

DEFINITIONS

Eligible unit size means the number of bedrooms for which the household qualifies based on household composition and needs in accordance with the standards in this policy.

Over-housed means the household occupies a unit that is larger than the maximum eligible unit size.

Recognized educational institution means a school, a private career college as defined in the *Education Act*, for which a notice of intention to operate has been submitted to the Ministry of Education in accordance with that Act, a university, a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*, or any similar institution outside of Ontario.

Spouse of the Tenant is defined as a person to whom the tenant is married, or the tenant is living in a conjugal relationship outside of marriage if the tenant and the person have cohabited for at least one year, or are together the parents of a child in the household.

Students living away from home means that a student is considered a member of the household for the purpose of determining eligible unit size if the student is in attendance at a recognized educational institution and does not live with the household while in school, and lives with the household while not attending school, and is dependent, in whole or in part, on the household for financial support.

Under-housed means the household occupies a unit that is smaller than the smallest unit for which they are eligible. Being under housed is not grounds for ineligibility for rent-gear-to-income assistance. Under housed households may apply for an internal transfer and must meet the criteria of the provider's internal transfer policy, if applicable.

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ACTION TO BE TAKEN

Non-profit/co-operative housing providers, and Housing Department staff are required to adhere to the Occupancy Standards policy in administering the centralized waiting list and determining ongoing eligibility for RGI assistance.

1. **Largest Eligible Unit Size**

The largest eligible unit a household qualifies for is:

- i. One bedroom for any two members of the household who are spouses/same sex partners;
- ii. One bedroom for each additional member of the household;
- a. An additional bedroom may be provided if:
 - i. A member of the household is pregnant.
 - ii. One of the spousal/same sex partners requires a separate bedroom due to a verified disability or medical condition;
 - iii. An additional bedroom is required to store equipment required by a member of the household because of a medical condition (medical equipment does not include a scooter, exercise equipment or storage of multiple equipment);
 - iv. All requests for an additional bedroom due to disability or medical condition must be supported by a Verification of Disability or Medical Condition form completed by a qualified health care professional.
 - v. A caregiver is required to be on site between the hours of 11:00 p.m. and 7:00 a.m. on an ongoing basis at a minimum of three nights per week. Verification is to be provided at Annual Review (e.g. receipts, letter from agency etc.)

2. **Smallest Eligible Unit Size**

The smallest unit that a household would be eligible for is:

- i. One bedroom for every two members of the household; and
- ii. An additional bedroom if there is an odd number of members in the household, or if dependent members are not the same gender and/or have a difference in age of more than five years;
- iii. A bachelor unit for one household member or two household members who are spouses or same sex partners.

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ACTION TO BE TAKEN

CUSTODY ARRANGEMENTS AND ELIGIBILITY FOR ADDITIONAL BEDROOM(S)

A child shall be considered a member of the household in the following situations:

- A member of the household has joint custody or overnight visitation rights for the child(ren) and is required to provide adequate accommodation for the child and the child(ren) will stay overnight at least 10 days a month.
- A legal agreement/Court Order or a sworn affidavit from each parent/guardian confirming regular overnight visits shall be submitted to support the request for additional bedroom(s);
- A child(ren) shall be considered part of the household in which the parent receives, or is eligible for the Ontario Child Benefit, National Child Benefit Supplement and/or the Child Tax Benefit;
- A Plan of Care or letter from the Children's Aid Society (CAS) or legal representative for a child(ren) currently in the care of CAS confirming that they are working on a Plan of Care to return the child(ren) to the household member;
- Letter from CAS confirming that child(ren) are in foster care with the household and foster care is ongoing.

REQUESTS FOR ADDITIONAL MEMBERS TO BE ADDED TO THE HOUSEHOLD

The following applies to households already occupying a rent-geared-to-income (RGI) unit.

- A request to add an individual to the household shall not result in the household being under or over-housed, unless the individual is a spouse of the tenant, or a child of a member of the household.
- Individuals not meeting the above criteria and living in the RGI unit, shall be deemed to be Occupants only and shall not have rights as a tenant, until such time as the individual meets the definition of spouse of the tenant.

ABSENCE FROM UNIT

1. A household will cease to be eligible for rent-geared-to-income (RGI) assistance if all the members of the household are absent from the unit for which the household receives RGI assistance for more than 60 consecutive days or a total of 90 days in a year.
2. All members absent from the unit for medical reasons are deemed to be not absent.

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ACTION TO BE TAKEN

QUALIFYING MEDICAL CONDITION

1. To qualify for an additional bedroom for medical reasons, the housing provider must be satisfied that there is a compelling and ongoing need for the additional space. A Verification of Disability or Medical Condition form must be completed by a professional health practitioner.

REFERENCE

Occupancy Standards Policy HDPOL24

LEGISLATION

Housing Services Act, 2011, s. 42, 43 and 46

O. Reg. 367/11 s. 37 and 42

If you have any questions, please contact the following:

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**Chris Morrison, Manager
Housing Department**

January 10, 2023

Date