

Directive

Directive: Overhoused

Issue Date:	April 28, 2023	Directive No.:	DIR2023-07
Revision Date:		Revision No.:	

Applicable Policy: HDPOL38 Overhoused

Type: 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 |
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Federal/Provincial Cooperative Housing

- Shepherds Green Cooperative Homes Inc.
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Housing Providers with Rent Geared-to-Income Service Agreements

- Athens & District Non-Profit Housing (RGI Service Agreement)
 - Gananoque Housing Inc. (RGI Service Agreement)
 - Marguerita Residence Corp. (RGI Service Agreement)
 - South Crosby Non-Profit Housing Corp. - Rideau Lakes Apartments (RGI Service Agreement)
 - Rent Supplement Program, including Housing Providers with expired Federal Operating Agreements
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Other Housing Providers

- Leeds Grenville Housing Department

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BACKGROUND

Under the *Housing Services Act, 2011*, the United Counties of Leeds and Grenville, as Service Manager, has established occupancy standards for determining the size and type of unit permissible for a household receiving rent-gear-to-income (RGI) assistance. *The Act* requires over housed households receiving a rent-gear-to income subsidy to transfer to an appropriated sized unit and allows an over housed household to be added to the internal transfer or central waitlist list for at least one year before ceasing to be eligible for subsidy.

PURPOSE

The purpose of this directive is to establish a process to follow when households are determine to be over housed to ensure compliance with the requirements to maintain rent-gear-to-income (RGI) eligibility.

ACTION TO BE TAKEN

1. Determination of overhoused status shall be made:
 - a. at the time of annual review and/or inspection;
 - b. when there is a change in the size or composition of the household;
 - c. at the request of the household.
2. Overhoused status determination to follow **Directive DIR2023-01 Occupancy Standards** for consideration of:
 - a. Dependent students living away from home;
 - b. Shared custody/foster care;
 - c. Qualifying medical conditions.
3. Tenants will be provided notification in writing that they are overhoused and will include the following information:
 - a. reason for overhoused determination;
 - b. that they must move to an appropriately sized unit to remain eligible for subsidy;
 - c. that they will be added to the internal transfer list for the current property, if applicable;
 - d. the date they will be added to the Centralized Waitlist or will be ineligible if they refuse;
 - e. that refusal to accept an offer to move after 12 consecutive months will result in no longer being eligible for subsidy;
 - f. that they have the right to appeal their overhoused status within 30 days of receiving notice.

Note: Examples of notices are provided

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ACTION TO BE TAKEN

4. Tenants who cease to qualify for an eligible unit size subsequent to being housed due to a change in household composition shall be added to the transfer list for their current property if the appropriately sized unit is available otherwise they will be added to the Central Waitlist.

Note: It is the responsibility of the Housing Provider to notify the Social Housing Registry (SHR) that they have an over housed tenant and provide the tenant with a Building Selection List to submit to the Central Waitlist.

Note: The household will be ranked based on the date of original application for rent-geared-to-income assistance after 12 months.
5. A tenant may refuse an offer to move within the first 12 month and remain eligible for RGI subsidy, after 12 months a household is deemed ineligible for RGI subsidy if any of the following apply:
 - a. Does not complete application to be added to the Centralized Waitlist within required timeframe;
 - b. Submits an incomplete application and fails to follow up with requests for missing information
 - c. Refuses offer of appropriately sized unit.

Note: Tenants are not required to transfer to smaller units until they have been overhoused for 12 consecutive months, however they may choose to move at any time.
6. Circumstances that may warrant an extension to the time that a household remains overhoused include, but are not limited to:
 - a. Someone in the household is pregnant;
 - b. A Plan of Care or letter from the Family and Children’s Services (FCS) or legal representative for a child(ren) currently in the care of FCS confirming that they are working on a Plan of Care to return the child(ren) to the household member

NOTE: Plan of Care should indicate timelines for returning the child(ren) to the household member, in cases where no date is provided, the Tenant should be moved into a smaller unit and then apply for a transfer when a more definitive date is known;
 - c. There is a change in medical condition requiring an additional room.
7. Temporary extensions to the 12-month timeframe a tenant may remain overhoused can be granted for up to 6 months (at a time) to a maximum of 36 months in total, including the initial 12 months. Such extensions should be reviewed with the Service Manager.

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ACTION TO BE TAKEN

Overhoused – Eligibility Household Income Limits

1. A Household must continue to meet all eligibility criteria and have a household income that is less than or equal to the Household Income Limit (HILs) for the unit size the household is transferring to. Net household income shall be compared to the household income limit prescribed for the eligible unit size of the household.
2. If household income is less than or equal to the household income limit (HILs) for the eligible unit size, provide a copy of the Overhoused Determination letter to the Social Housing Registry. The household shall have 30 days to return the Acknowledgement and indicate their preferred locations.
3. If net household income is above the household income limit for the eligible unit size, send Notice – Overhoused and Income Above HILs for Eligible Unit Size to the Tenant. This household shall **not** be included on the internal transfer or waitlist. Twelve months after a household has been notified that they are overhoused:
 - a. If the household is now eligible for RGI assistance for the eligible unit size, the household shall be added to all buildings/projects with the eligible unit size in the community in which they currently live.
 - b. If the household’s net income remains above the HILs for the eligible unit size the household shall be notified they are no longer eligible for RGI assistance.

REFERENCE

- A.....DIR2023-01: Occupancy Standards
- B..... DIR2023-03: Household and High-Need Income Limits for Leeds and Grenville
- C..... Notice - Overhoused and Ineligible for Rent-Geared-to-Income Assistance – Example
- D.....Notice – Overhoused Determination – Example
- E.....Notice - Overhoused and Income Above Household Income Limit - Example
- E.....Building Selection Form

LEGISLATION

- Housing Services Act, 2011, s. 42, 43 and 46*
- O. Reg. 367/11 s. 38

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April 27, 2023

Date