



City of Stratford Social Services Department

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Cessation of Eligibility – Refusal of Offer

Directive Number: 2020-03

Date Approved: July 13, 2020

Date Effective: January 1, 2021

Replaces: Not Applicable

Legislative Authority:

Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1

HSA O. Reg. 367.11 s. 32.2 & 46.1

HSA O. Reg. 318/19 s. 2 & s. 7

This Directive applies to the following community housing programs:

- Public Housing
- Provincial Reformed (Provincial, Federal/Provincial Non-Profit)
- Provincial Reformed (Provincial Co-operative)
- Housing Access Centre (HAC)
- Rent Supplement

1. Purpose

- To communicate amendments to Ontario Regulation 367/11 under the Housing Services Act, 2011 (HSA) outlining the shift from a three (3) offer system to a one (1) offer system for the Centralized Waiting List (CWL).
- To highlight the instances based on extenuating circumstances in which exceptions may be made to this one (1) offer system.
- To clarify the use of housing preferences within the one (1) offer system.
- To explain the process that must be followed to operationalize this directive.

2. Background

As Service Manager under the *Housing Services Act, 2011*, the City of Stratford has the ability and the responsibility to establish local rules to administer access to rent-gear-to-income (RGI) assistance in an equitable and consistent manner for prescribed housing programs. On September 23, 2019 the Province of Ontario filed Ontario

Regulation 318/19 which amended Ontario Regulation 367/11 under the *Housing Services Act*. These amendments:

- Removed the Service Manager’s authority to make a local rule about the number of offers an applicant could refuse before being removed from the Centralized Waiting List (CWL) and implemented a system in which an applicant must accept the first valid offer of an RGI housing unit;
- Allowed for the Service Manager to define certain circumstances in which the one (1) offer requirement could be waived; and
- Required the establishment of local processes outlining how applicants should provide and update their housing preferences for a housing project in the Service Manager area.

These amendments came into force on January 1, 2020 and will be implemented in this Service Manager area on January 1, 2021.

3. Directive

- 3.1.** A household ceases to be eligible for RGI assistance if an applicant refuses one (1) valid offer of a unit. An offer is considered valid for an applicant when it is:
- An appropriate-sized unit;
 - An appropriate mandate;
 - A property that the applicant chose as a preference on their CWL application or if they did not choose any or sufficient preferences, then any appropriate property in the Service Manager area; and
 - An offer that is made on or after January 1, 2021.

*In the case of a housing co-operative, the offer is considered valid if it meets the criteria listed above, unless the housing co-operative does not approve the household for membership.

*The refusal of a portable housing benefit (PHB) or transitional housing (i.e. second-stage housing) is *not* considered a refusal under this directive and will not impact RGI eligibility.

- 3.2.** An offer will be considered valid and a refusal will be registered in the following circumstances:
- The applicant turns down an offer of accommodation for a building selection preference they made.
 - The applicant has not responded to an offer of an RGI unit by the provided deadline.
 - Housing Providers will make every attempt to contact applicants by using all telephone numbers and email addresses provided on the

application for both the applicant and their alternate contact(s) if needed.

- If a mailing address is the only contact method provided, an offer letter will be mailed.
- The applicant has not reported any changes to the application (within the 30-day requirement) that would make the current offer inappropriate and/or
- The applicant has not disclosed any special requirements which are, therefore, not documented in their application file that would make the current offer inappropriate.

3.3. In extenuating circumstances, the Housing Access Centre (HAC) may determine that an applicant remains eligible for the CWL after the refusal of one (1) valid offer. Extenuating circumstances are unforeseen circumstances which were out of the control of the applicant, are unlikely to occur again, and resulted in the applicant not being able to meet a requirement in order to remain eligible for the CWL. These may include, but are not limited to:

- Endangerment of Special Provincial Priority (SPP) applicants
- Medical or health emergencies
- Family emergencies
- Court-ordered situations

These extenuating circumstances do not, in and of themselves, guarantee that an applicant will remain eligible for the CWL. Any exceptions to the one (1) offer system must be well documented, available for review, and approved by the HAC (*see 4.1. – 4.6. below*).

3.4. An applicant must indicate their housing preferences on the CWL within the Service Manager area.

3.5. Applicants may change or remove their housing preferences while on the CWL at any time and as many times as desired by contacting the HAC (*see 4.7. – 4.10. below*).

3.6. If an applicant does not indicate housing preferences on the CWL, *all* housing projects that have appropriately-sized units and mandates within the Service Manager area will be considered that applicant's housing preferences.

4. Procedure

Procedures for Determining Continued Eligibility due to Extenuating Circumstances

- 4.1.** When a housing provider makes a valid offer of an RGI unit to an applicant from the CWL and the applicant refuses that offer citing extenuating circumstances the housing provider is responsible for:
- Gathering the information required to determine whether or not an applicant should continue to be eligible for the CWL;
 - Providing this information to the HAC for approval; and
 - Informing the applicant of the process for determining continued eligibility.
- 4.2.** Housing providers should complete an *Information for Determining Continued Eligibility due to Extenuating Circumstances* form which includes the following information required to determine continued eligibility on the CWL:
- The circumstance that prevented the applicant from accepting the offer of a unit;
 - The date when this circumstance became relevant;
 - An explanation as to why the applicant could not update their housing preferences prior to a valid offer being made; and
 - An explanation as to why the applicant could not request to put their application on hold (*2013-13 Temporary Removal from Wait List*) prior to a valid offer being made.
 - A request for relevant documentation, if necessary.
- 4.3.** Housing providers must provide the following information to the applicant:
- The purpose of collecting the information in 4.2.;
 - That the information will be submitted to the HAC to determine whether or not they can remain on the CWL even though they refused one (1) valid offer of a unit; and
 - That the HAC will inform them whether or not they remain eligible for RGI assistance.
- 4.4.** Housing providers must submit the form to the HAC for review.
- 4.5.** The HAC will inform the applicant of its decision in writing. This notification should also outline the next steps, if any, to be taken by the applicant. These steps could include though are not limited to:
- Reapplying to the CWL by submitting another Housing Application;
 - Providing the HAC with updated housing preferences; and/or
 - Requesting their application be put on hold.

This notification should also include information on how an applicant can request a review of the decision should they disagree with the outcome.

- 4.6.** The HAC will inform the housing provider when the unit has been released and another offer can be made.

Procedures for Updating Housing Preferences

- 4.7.** To provide housing preferences for the Service Manager area, applicants must complete the **Housing Selection Information** section of the Housing Application. If incomplete, the CWL will consider all units of appropriate size and mandate in the offering of a unit.
- 4.8.** To update or change housing preferences, applicants must contact the HAC and provide the following information in writing using the *Updated Building Selection Form (Form 113)*:
- The date of their request; and
 - The new list of all housing preferences to override the current list.
- 4.9.** The HAC will update the preferences on the CWL application. Applicants are responsible for keeping track of these preference updates.
- 4.10.** There is no limit to how many times an applicant can update their housing preferences.