



County of Wellington

Social Services Department – Housing Services

DIRECTIVE

Directive Number: 2024-06**Effective Date: June 1, 2024**

This directive has been developed by the County of Wellington in its role as Consolidated Municipal Service Manager (CMSM) and applies to housing providers funded under the following social housing programmes:

- Provincially Reformed Non-Profit Housing Programmes
- Provincially Reformed Co-operative Housing Programmes (Co-ops)
- Local Housing Corporation (LHC)
- Service Manager Funding Agreement (Post EOA and Post EOM)

Subject	Addition to Household Application
Legislative Reference	Housing Services Act, 2011 (HSA) S.47 HSA O. Reg 367/11 S.28, S.96, S. 100 Residential Tenancies Act, 2003 (RTA) O. Reg 516/06 S.3
Directive Reference	2022-02 Notice of Changes 2020-05 Ceasing to Meet Occupancy Standards

Background

HSA 2011 S.47 requires that the CMSM establish a system for households to access rent geared-to-income (RGI) housing. Once a household receives an offer for a RGI unit, the CMSM requires that RGI households notify their housing provider within 30 days when there is a change to their household income or composition.

The intent of this directive is:

- To ensure that social housing units, as public resources, are allocated fairly and honestly and not improperly obtained by assignment or sublet.
- To ensure that only persons who have been approved and offered a unit through the Centralized Waiting List reside permanently in social housing units.

- To give RGI tenants the ability to add individuals to their unit and still receive RGI subsidy while protecting their access to RGI subsidy and rights as tenants to the unit.
- To ensure RGI subsidies reflect the true household income of all persons, including tenants and occupants, living in the unit.
- To prevent individuals from “queue jumping” to a social housing unit over applicants on the Centralized Waiting List if the originating tenant no longer resides in the unit.

Terminology

“Tenant” means the same as “member” for co-op housing providers.

“Occupant” means the same as “long-term guest” for co-op housing providers.

“Lease” means the same as “occupancy agreement” for co-op housing providers.

Direction

1. Addition to Household Application

Households must get written approval to add any new occupants to the unit. This must be done by filling out an HS238 Addition to Household Application. The CMSM will determine eligibility for the entire household, including the existing tenants and occupants, and any new occupants the household is requesting to be added. Eligibility is based on HSA and Service Manager rules at the time of application.

2. Unauthorized Occupant

If a person plans to stay in the unit, or has been staying in the unit, for 14 consecutive days or more without approval, they are considered to be living in the unit as an unauthorized occupant. Allowing an unauthorized occupant to stay in the unit will result in the loss of RGI eligibility for the household. The household must take steps to have the unauthorized occupant approved by the CMSM or to have the individual removed from the unit.

The household may submit an extenuating circumstances request in writing to the housing provider to seek permission to have a person stay longer than 14 days. The person must be able to verify a permanent residence elsewhere.

Housing providers are expected to use discretion and fairness in the application of this local rule and to make exceptions where extenuating circumstances exist. Extenuating circumstance decisions must be documented on the household’s file.

If a housing provider suspects a household has a person living in their unit that has not been approved to live there, the housing provider will follow the Unreported Changes procedure and ERO Referral procedure (if applicable).

3. Approval of Addition to Household

A decision to approve an addition to household means the following:

Tenants

The original applicants from the Centralized Waiting list are the approved tenants and designated on the lease. They are responsible for all obligations under the lease and RGI programme rules where applicable including unauthorized occupants that may continue to reside in the unit after the tenants have vacated.

Occupants

The addition to household becomes an approved occupant but will not be designated as a tenant on the lease. This applies to all individuals, including a spouse of the tenant. An approved occupant does not have rights to the unit and only resides in the unit with the consent and at the discretion of the tenant. If the tenant vacates the unit, the occupant must also vacate the unit on the same day. Failure to vacate means the occupant now becomes an unauthorized occupant and the housing provider will be able to take legal remedies against the tenant and unauthorized occupant to regain possession of the unit.

An approved occupant must provide their income information so that it may be used to determine the RGI subsidy for the household, and they must follow all RGI rules and requirements.

The tenant may submit an extenuating circumstances request in writing to the housing provider to seek permission to have the approved occupant added as a tenant on the lease. All decisions with regards to extenuating circumstances are at the discretion of the housing provider and must be documented. Housing providers are expected to use discretion and fairness in the application of this local rule and to make exceptions where extenuating circumstances exist.

4. Requirement for Guest Policy

Housing providers must establish a Guest Policy that outlines rules for temporary accommodation of guests in RGI unit households. The housing provider will provide a copy of the policy to the CMSM and RGI households.

5. Caregiver

A live-in caregiver is contracted through an agency by the household and lives in the unit solely to provide overnight care. A caregiver is not a member of the household and is not required to complete an HS238 application. Approval for a caregiver must be granted as per CMSM rules.

Application

1. At the request of a tenant, or because of an Unauthorized Occupant letter or ERO referral outcome, the housing provider will provide the household with an HS238 and allow a minimum of 2 weeks to return it. The housing provider fills out the first section of the HS238 and may assist the household in completing the remainder of the form, if required.

2. The tenant returns the fully completed HS238 to the housing provider, along with proof of age and citizenship for all household members and the prospective occupant. The housing provider then forwards the submission to the Housing Programme Advisor for processing.
3. Applicant Services determines whether the household continues to be eligible for RGI subsidy with the addition of the prospective occupant.

Household is eligible for RGI

- a. The Housing Programme Advisor will advise the housing provider of the decision of RGI eligibility.
- b. The housing provider will determine RGI for the household effective the first day of the month following the date the approved occupant moved in. This may result in retroactive RGI subsidy owing and/or reinstatement of RGI subsidy if the occupant moved into the unit prior to receiving approval. The housing provider should contact the Housing Programme Advisor for assistance in determining the effective date.
- c. An HP60 Addition to Household Agreement will be signed by the tenant and approved occupant acknowledging the rules for an addition to household including that they understand the tenancy cannot be assigned to the occupant.

Household is not eligible for RGI due to income

The tenant will need to indicate on the HS238 if they would like to continue with the addition to household if the income of the prospective occupant means the household is no longer eligible for geared-to-income subsidy.

1. If the tenant indicates YES, they DO want to proceed:
 - a. Applicant Services will send a letter to the tenant and/or prospective occupant advising they would not be eligible for RGI subsidy due to income, and to contact the housing provider if they would like to continue with the addition to household and pay the maximum rent or housing charge.
 - b. At this point in time, if the tenant decides to continue with the addition to household, the prospective occupant is now an approved occupant, and the housing provider will increase the rent or housing charge to maximum effective the first day of the month following the date the approved occupant moves in. This may result in retroactive RGI subsidy owing if the occupant moved into the unit prior to receiving approval.
 - c. An Addition to Household Agreement will be signed by the tenant and approved occupant acknowledging the rules for an addition to household including that they understand the tenancy cannot be assigned to the occupant.

- d. During this process, if the tenant decides to not proceed with the addition to household, the occupant is not approved and may not move in, or if they already have, they must leave the unit immediately.
2. If the tenant, indicates NO, they do NOT want to proceed:
- a. Applicant Services will send a letter to the tenant and/or prospective occupant advising they are not eligible for RGI due to income.
 - b. The prospective occupant may not move in, or if they already have, they must leave the unit immediately.

Household is not eligible for RGI for other reasons

- a. Applicant Services will send a letter to the tenant and/or prospective occupant advising they are not eligible for RGI and the reason.
 - b. The prospective occupant may not move in, or if they already have, they must leave the unit immediately.
4. In the event of a decision where the prospective occupant may not move in or must leave the unit immediately and the tenant still allows them to move in or they do not leave the unit, the household is no longer eligible for RGI subsidy. The housing provider must serve the household ninety (90) days written notice of loss of RGI eligibility for an unauthorized occupant. The household must be advised of the right to a review of the decision.

This Directive is effective immediately.

If you require additional information, please contact the Housing Programme Advisor.

Originally Signed by

Paul Skinner
Interim Director of Housing Services

Appendix 1 – HS238 Addition to Household Application

Appendix 2 – HP60 Addition to Household Agreement

Appendix 3 – HP25 Loss of Eligibility – Continued Report of Unauthorized Occupant Letter