



County of Wellington

Social Services Department – Housing Services

DIRECTIVE

Directive Number: 2020-05

Effective Date: October 30, 2020

This directive has been developed by the County of Wellington in its role as Consolidated Municipal CMSM (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)
√	Municipal Non-Profit Housing Programme (Section 56.1 Pre-1986)
√	Local Housing Corporation (LHC)
	Service Manager Funding Agreement (Post EOA)

Subject: Ceasing to Meet Occupancy Standards (Over Housed RGI)

Legislative References: Housing Services Act, 2011 (HSA) S.43
 Housing Services Act, 2011 O Reg. 367/11 S.42
 Housing Services Act, 2011 O Reg. 367/11 S.38

Directive Reference: This directive replaces and repeals Directive 2019-02 “Ceasing to Meet Occupancy Standards”

Background

In accordance with the Housing Services Act, 2011 and its regulations, the County of Wellington as Consolidated Municipal Service Manager (CMSM) is permitted to establish local eligibility rules for ceasing to meet Occupancy Standards in its service area for its rent-geared-to-income (RGI) units. These rules are set out in the Over Housed RGI Policy - HS 2020 – PA 21.1.

1. Ceasing to Meet Occupancy Standards

The CMSM has determined households that occupy an RGI unit that is larger than the largest size permissible under the local Occupancy Standards are considered to be over housed and may cease to be eligible for RGI assistance.

Households determined to be over housed must be notified that the household occupies a unit that is larger than the largest size permissible under the Occupancy Standards. A household will continue to be eligible for RGI assistance for 12 months after it was notified of being over housed. During the 12 months, the Housing Provider may resolve the over housing situation

by transferring the household to an appropriately sized unit in its portfolio, if one is available and the household agrees.

In the event that the household remains over housed after the 12-month notice period, the household will continue to be eligible for RGI assistance if the household is following the process to be transferred to the largest-sized unit permissible under the Occupancy Standards. This process is outlined in Section 4: Application.

2. Addition to Household Requests for a Household Deemed Over Housed

Once a household has been notified that it is over housed based on the local Occupancy Standards, it may only add individuals to the household who are one of the following:

- Spouse of a member of the household;
- Child of a member of the household; or,
- The member of the household who left, which caused the household to be over housed. This person may rejoin the household within 12 months after the household is notified that it is over housed.

3. Definitions

“Child” for the purposes of applying the Occupancy Standards, will be considered for a household member up to 29 years of age, unless the child meets the definition of a child as outlined in s. 42 (1) of O Reg. 367/11.

“CMSM” means Consolidated Municipal Service Manager. The Corporation of the County of Wellington is the Consolidated Municipal Service Manager for the geographic area that includes the County of Wellington and the City of Guelph for the purposes of the Housing Services Act, 2011.

“Housing Provider” means an organization who operates a housing project.

“Over Housed” means a household that has a unit larger than it is eligible for under these Occupancy Standards.

“Spouse” for the purposes of applying the Occupancy Standards, means an individual who, together with the member of the household, has declared to the Housing Provider or CMSM that the individual and the member are spouses.

“Unit” means a unit intended for use as residential accommodation in a housing project

4. Application

The Housing Provider is advised that a household has had a change in its household composition. This change in composition means that the household occupies a unit that is larger than is permissible under the CMSM's Occupancy Standards and as a result, the following steps are required:

- A. The Housing Provider must notify an RGI household, in writing, that the household no longer meets the CMSM's Occupancy Standards for their existing unit. The letter must include the following:
 - i. The household will maintain their RGI status in their current unit for twelve (12) months after the notice is sent.
 - ii. There will be a requirement to transfer to unit that meets the household's requirements in accordance with local Occupancy Standards
 - iii. Any additions to household are restricted to the following individuals:
 - Spouse of a member of the household;
 - Child of a member of the household; or,
 - The member of the household who left, which caused the household to be over housed. This person may rejoin the household within 12 months after the household is notified that it is over housed.
- B. During the 12-month notice period and if requested by the household, the Housing Provider may place the household on its internal waiting list and provide offers to the household. If the household is offered a unit from the internal waiting list during the first twelve months and the household does not accept the unit, the refusal is not counted as a refusal of offer.
- C. Once the 12-months has passed, the Housing Provider will follow up with a decision letter advising the household that they are now a designated as over housed and require the household to complete a CWL Application Form (HS28) in order to transfer to a unit that is the right size for the household according to the CMSM's Occupancy Standards. The household will choose a minimum of five (5) locations for a transfer to a unit that meets the local Occupancy Standards. At this time, the household must be advised of its right to a review of the decision that it is over housed.
- D. Once the household submits the completed CWL Application Form (HS28), the Housing Provider will forward the completed CWL Application form, along with the completed form "Adding a Household to the CWL" (CW65) to Applicant Services and copied to their Housing Programme Advisor. The household will be added to the centralized waiting list with priority status based on the date of the over housed decision letter. The household will continue to be eligible for RGI assistance while it waits for offers of housing and complies with other requirements of the RGI programme.

- E. Following the 12-month period, a household becomes ineligible for RGI assistance if it fails to follow the required process to be transferred to a unit that meets the Occupancy Standards or it refuses an offer (one) of housing. The Housing Provider must provide the household with ninety (90) days written notice of loss of RGI eligibility. The household must be advised of its right to a review of the decision that it is no longer eligible for RGI assistance.

The Ceasing to Meeting Occupancy Standards Directive is effective immediately.

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



Mark Poste
Director of Housing

- Appendix 1 – HP14 Notice of Over Housed
- Appendix 2 - HP16 Over Housed Decision
- Appendix 3 – HS227 Review of Decision Form
- Appendix 4 – HS28 CWL Application Form
- Appendix 5 – HS231 Adding a Household to the CWL
- Appendix 6 – HP17 Loss of eligibility Letter
- Appendix 7 - HP18 Early Transfer Request