



Municipality of Chatham-Kent  
**Social Housing Policies & Procedures**

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<b>Subject:</b> RGI Units – Over Housed	<b>Policy No. SH-1611</b>
<b>Scope:</b> All Housing Providers	<b>Legal/Cross Reference:</b> Housing Services Act, 2011, s.43, 46 O.Reg. 367/11 s.38, 39 RGI Administration Agreement
<b>Issued Date:</b> November 17, 2015 <b>Effective Date:</b> January 1, 2016 <b>Last Revised Date:</b> July 17, 2017	<b>Approval: <u>Original signed by Director</u> <u>Director, Housing Services</u></b>
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<b>Last Revised:</b> May 1, 2008	

**I. PURPOSE:**

To clearly establish the policy and procedure for Housing Provider periodic and/or annual RGI Reviews of Eligibility wherein a determination is made that a RGI household is over-housed, occupying a unit that is larger than the largest unit the household is eligible for RGI assistance.

**II. RESPONSIBILITY:**

**A. Service Manager**

1. Chatham-Kent Housing Services has delegated responsibility for annual and periodic RGI reviews to each housing provider for their respective RGI units/households in receipt of RGI assistance.
2. The Housing Provider is responsible for reviewing the eligibility of RGI households in terms of size and type of unit, and providing proper notice to households deemed to be over-housed.
3. If the housing provider does not have the appropriate sized unit, after one year of being over-housed, the household will be advised, by the housing provider, to apply to the Coordinated Access Waiting List (CAWL) and select a minimum of three sites within a geographic area, not including the site where the household is currently housed. If the minimum three sites are not selected, the household is no longer eligible for rent-gear-to-income assistance.
4. If the affected housing provider has appropriate sized unit(s), the over-housed household will be added to the internal transfer list after one year.
5. If an over-housed household makes a request to be added to the Coordinated Access Waiting List (CAWL), the service manager will add them unless the household has already been added to the CAWL with the requirement that the over-housed household must select a minimum of three sites within a geographic area, not including the site where the household is currently housed.
6. If an over-housed household is added to the Coordinated Access Waiting List (CAWL) and has selected the minimum of three sites (which the household would be eligible to live) within a geographic area, then the over-housed household cannot request to be removed from those specific waiting lists unless additional sites are preferred which will either equal or exceed the requirement for a minimum of two sites.

7. If the over-housed household requests to be removed from the Coordinated Access Waiting List (CAWL) later than one year after being notified by the housing provider that they are over-housed, then that household ceases to be eligible for rent-geared-to-income assistance.
8. If an over-housed RGI household refuses a total of 3 offers of appropriate sized units within the same geographic area, the household shall be given notice of RGI status terminating and shall be removed from the Coordinated Access Waiting List (CAWL). Total includes any refusals of Internal Transfer offers.
9. Chatham-Kent Housing Services shall track all refusals of offers, including those reported by Housing Providers related to internal transfers.
10. Grandfathering proviso: Where an RGI Unit was housed in an appropriate sized unit on March 31, 2002, in accordance with the occupancy guidelines in force and in effect on that date, and where the composition of the household has not changed on, or after April 1, 2002, the occupying household shall be deemed to meet the Local Occupancy Standard established by the Municipality of Chatham-Kent. This grandfathering proviso shall not be applied to any RGI unit household whose occupying composition has changed since the Municipality of Chatham-Kent's point of transfer date, April 1, 2002.

#### **B. Housing Provider**

1. In accordance with social housing policies SH-1608 and SH-1609, RGI Eligibility Reviews – Annual and Periodic respectively, every review by a housing provider shall include a review of the unit size eligibility of the RGI household. Unit size eligibility shall be determined in accordance with social housing policy SH-1618 Local Occupancy Standards.
2. Every housing provider shall have a written internal transfer policy that assigns high priority ranking to over-housed units; and a written internal transfer waiting list shall be maintained.
3. Every housing provider shall have written internal transfer policies and procedures for over-housed RGI units/households that are consistent with O. Reg. 367/11.
4. Housing Providers shall report all refusals of offers of internal transfer to Chatham-Kent Housing Services for tracking purposes.
5. Internal transfers for over-housed RGI households shall be exempt from any internal transfer fee, due to the housing provider (and service manager) requiring the internal transfer. [Reference RTA, 2006, O. Reg. 516/06, subsection 17.8.]

### **III. PROCEDURE:**

#### **A. Service Manager:**

1. Chatham-Kent Housing Services (CKHS) shall file and maintain a copy of all over-housed notices sent by housing providers to their respective tenants when deemed to be over-housed and the housing provider does not have a suitable unit within its portfolio. Files and records shall be maintained in accordance with each parties' corporate record retention by-law.
2. CKHS shall process Applications for RGI assistance received from in-situ over-housed RGI households based on the original date of application for RGI assistance for ranking purposes and determine RGI eligibility. Priority ranking assigned to over-housed RGI household applicants shall be in accordance with social housing policy SH-1617, Local Priority Rules.

3. CKHS shall provide the over-housed RGI household applicant with Notice of a Complete/Incomplete Application and a Notice of Decision respecting the application in accordance with social housing policies SH-1603 and SH-1606 respectively.
4. CKHS shall provide copies of the Notices discussed in section 3 above to the affected Housing Provider as well.
5. CKHS shall track all refusals of offers, including those reported by Housing Providers related to internal transfers. If an over-housed RGI household refuses a total of 3 offers of appropriate sized units within the same geographic area, the household shall be given notice of RGI status terminating and shall be removed from the Coordinated Access Waiting List.
6. CKHS will monitor housing provider performance and compliance with local housing policies and procedures, MMAH Guidelines, and the RGI Administration Agreement through the financial review processes and at the time of operational reviews.

**B. Housing Provider:**

1. At the time of an annual, or a periodic Review of RGI eligibility, the housing provider will review the RGI tenant/member household's eligibility for the unit size and category occupied.
2. If the housing provider determines that the RGI household is occupying a unit larger than the largest unit it is qualified for pursuant to social housing policy SH-1618 Local Occupancy Standards, the housing provider shall provide the affected a Notice of Decision advising the tenant/member that they are over-housed. The Notice will also confirm whether the housing provider has a suitable unit in its portfolio.
3. If the over-housed household remains over-housed for at least one year from the housing provider's Notice of Decision – Over-housed, and the housing provider has a suitable unit:
  - i. The tenant/member household shall be added to its internal transfer list and offered the next available suitable unit in the portfolio. The housing provider shall advise the tenant/member household of the Right to Refuse Offer and if a total of 3 offers are refused, the RGI status shall be terminated and market rent shall be imposed. Housing Provider shall also advise the RGI household that they may also choose to apply to CKHS for consideration of other suitable housing options.
  - ii. If the household remains on the internal transfer list for one year, the housing provider will advise the tenant/member household, in writing, that it must make application to CKSH within 10 business days. The housing provider shall provide Chatham-Kent Housing Services with a copy of the written notice provided. A blank copy of a Coordinated Access Application (Form # SH-F1601) shall be included with this written notice. If the tenant /member household has not made application to the CKHS within 15 business days, the housing provider shall issue a Notice of Termination of RGI status.
4. If the over-housed household remains over-housed for at least one year from the housing provider's Notice of Decision – Over-housed, and the housing provider does not have a suitable unit:
  - i. The housing provider shall advise the tenant/member household to apply to Chatham-Kent Housing Services within 10 business days and said notice shall clearly state the calendar date upon which an application is due to CKHS. As well, this notice shall clearly indicate that failure to comply will result in Termination of RGI status and the household, therefore, would be charged market rent.

- ii. The housing provider shall receive a Notice of Decision from Chatham-Kent Housing Services respecting the tenant/member household's application for social housing. Upon receipt of this notice, further action is not required of the housing provider unless otherwise notified by the Service Manager.
  - iii. If the housing provider does not receive a Notice of Decision from Chatham-Kent Housing Services within 15 business days, the housing provider shall contact CKHS to confirm the status of the tenant/member household's application. If the tenant/member household has not made application to CKSH, the housing provider shall issue a Notice of Termination of RGI status to the over-housed household tenant/member(s).
5. Housing Providers shall report all refusals of an offer of internal transfer to Chatham-Kent Housing Services for tracking purposes. Details of the refusals will be reported on the Outcome of Offer form.
  6. Local flexibility allows for a determination that a household who would otherwise cease to be eligible for RGI assistance may continue to be eligible if satisfied that extenuating circumstances exist.

#### **IV. NOTES:**

1. SH-1603 RGI Application –Complete/Incomplete Notification
2. SH-1606 RGI Application – Notice of Decision
3. SH-1608 RGI Review of Eligibility – Annual
4. SH-1609 RGI Review of Eligibility – Periodic
5. SH-1617 Local Priority Rules
6. SH-1618 Local Occupancy Standards

#### **V. MMAH GUIDE TO RGI ASSISTANCE:**

Sections 5.5 and 5.6 apply