

Northumberland County Community Housing Directives

Housing Services Division

555 Courthouse Road

Cobourg, Ontario K9A 5J6

Subject: Occupancy Standards and Overhoused Households

Directive Number: 2021-17

Effective Date: Upon issuance, October 18, 2023

Intent

To set occupancy standards for rent-geared-to-income (RGI) tenants and co-op members, and establish guidelines to move overhoused RGI tenants and co-op members into appropriately sized units.

Background

Under the Housing Services Act, 2011 (HSA), the Service Manager may establish local occupancy standards regarding the size and type of unit in which an RGI tenant or co-op member may live. The Service Manager may also set local rules and processes about moving overhoused RGI tenants and co-op members.

Occupancy Standards

Local occupancy standards set out the minimum and maximum unit size for which an RGI tenant or co-op member is eligible for.

Where exceptions are made to the occupancy standards, the housing provider must document the reason on the file and include appropriate verification.

The largest unit for which an RGI tenant or co-op member is eligible has one bedroom for each member of the household, with spouses expected to share a bedroom.

The smallest unit for which an RGI tenant or co-op member is eligible has one bedroom for every two members of the household.

Dependent Students Living Away from Home

Dependents who live temporarily away from home while attending school continue to be included under occupancy standards if they:

- live in the RGI unit when not attending school (e.g. during summer break)
- are dependent on their parents for financial support.

This normally applies to dependents attending college or university away from home, but it can also apply to students at other types of schools, such as private elementary or secondary schools. The dependent may be a full-time or a part-time student.

Shared Custody

Where parents share custody of a child, the child will be included under the occupancy standards if they live in the RGI unit at least 40 per cent of the time.

If each parent resides in a separate RGI unit and they share custody, it is possible for the child to be included as part of both households with respect to occupancy standards.

Consideration may be given in extenuating circumstances for families that don't meet this requirement. Additional documentation/supporting information may be required.

Foster Care

Foster care provides a temporary home for children who are in the care of a Children's Aid Society (CAS). Children may need foster care for just a few days, a week, several months or possibly years.

Children in foster care are normally not included under occupancy standards.

Children in the temporary care of relatives may be included under the occupancy standards if the care arrangements are intended to be long term. In making this decision, housing providers should consider the length of time the child has already resided with the relative, the stated intent of the parent(s) and any applicable CAS plan of care.

Live-in Caregivers

Caregivers may provide support for a child, a senior or a person with a disability. They may be funded privately by the RGI tenant/co-op member or a member of their family, or they may be funded by a community agency or a government source such as the Ministry of Children, Community and Social Services (MCCSS).

Live-in caregivers do not maintain accommodation outside the RGI unit. They are normally considered part of the RGI household for both the calculation of RGI and occupancy standards.

If an RGI tenant or co-op member has an employment contract with a live-in caregiver, and is required under the terms of the employment contract to provide them with accommodation, they can be provided an extra bedroom. In these circumstances, the live-in caregiver is not part of the household for the calculation of RGI, and the tenant or co-op member remains eligible for the extra bedroom only while the employment contract is in effect.

Caregivers who maintain accommodation elsewhere are not entitled to a bedroom, even if they provide overnight care.

Additional Bedroom for Medical Reasons

An RGI tenant or co-op member may be entitled to an additional bedroom if it is reasonably necessary due to a disability or medical condition. This may include circumstances where:

- spouses cannot share a bedroom due to a disability or medical condition
- an extra bedroom is required for storage of medical or disability related equipment.

RGI applicants, tenants and co-op members must provide medical verification supporting the need for an additional bedroom. The medical verification must provide sufficient information to assist the housing provider or Northumberland County Housing Services in determining if an additional bedroom is required or if the medical condition

or disability can be otherwise accommodated. Medical verification only stating that an extra bedroom is required is not sufficient.

The following medical conditions will not normally be considered for an additional bedroom because spouses are unable to share:

- snoring and sleep apnea
- frequent nighttime waking or insomnia
- temporary medical conditions that make the sharing of a bedroom inconvenient for a short period.

There is a limit of one additional bedroom for medical or disability-related reasons. This additional bedroom will be considered only at the request of the RGI tenant or co-op member.

Extenuating Circumstances

Housing providers may allow for exceptions to occupancy standards in extenuating circumstances with the approval of Northumberland County Housing Services.

Applicants and Incoming RGI Tenants and Co-op Members

Northumberland County Housing Services determines and records the largest unit size for which an RGI or modified housing applicant is eligible under the occupancy standards.

At the time of offer, the housing provider must verify that the RGI applicant is eligible for the vacant unit under the occupancy standards. If a housing provider refuses to offer a unit because the household no longer meets the applicable occupancy standards, the provider must notify both the applicant and the Northumberland County Housing Services. This will not count as a refusal of offer.

Housing providers have discretion to offer a new RGI tenant or co-op member:

- a smaller unit than they would otherwise qualify for, if the RGI tenant or co-op member agrees
- a larger unit if there are compelling reasons for the exception and with the approval of the Northumberland County Housing Services.

Review of Occupancy Standards

The Northumberland County Housing Services reviews applicants' occupancy standards every other year while on the waitlist.

Housing providers must review RGI tenants and co-op members to determine if they are in the right size unit under the occupancy standards:

- at the time of annual review
- when there is a change in the size or composition of the household
- at the request of the household.

Underhoused RGI Tenants and Co-op Members

Underhoused RGI tenants and co-op members live in units smaller than the smallest unit permissible under the occupancy standards. These tenants or co-op members may request an internal transfer to a larger unit.

Housing providers may or may not offer priority for transfer to underhoused RGI tenants or co-op members at their sole discretion in accordance with their internal transfer policies.

Overhoused RGI Tenants and Co-op Members

Overhoused RGI tenants and co-op members live in units larger than the largest unit permissible under the occupancy standards.

Overhoused RGI tenants and co-op members 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.

Notice of Overhoused

When an RGI tenant or co-op member becomes overhoused the housing provider will give them notice stating:

- they are overhoused, including the largest size of unit for which they are eligible under the occupancy standards

- that they have been placed on the internal transfer list, if applicable
- they will need to be placed on the centralized wait list to move to a smaller unit if they remain overhoused for 12 consecutive months.

Housing providers can use the Notice of Overhoused template letter in Schedule A.

Housing providers must follow up after the RGI tenant or co-op member has been overhoused for 12 consecutive months. Normally, this occurs 12 months after the date on the Notice of Overhoused letter. However, if this notice is delayed because the RGI tenant or co-op member did not report a change (e.g. when someone moved out of the unit), the housing provider may consider the time they have already been overhoused in determining when to follow up.

First 12 months

During the first 12 months that an RGI tenant or co-op member is overhoused, the housing provider may place them on their internal transfer list to move to a smaller unit at their current property. Placement on the internal transfer list and offers of housing of the housing provider in accordance with their internal during the first 12 months are at the sole discretion transfer policy.

RGI tenants or co-op members may also choose to apply to the centralized waitlist during the first 12 months. They would complete an Application for Rent-Geared-To-Income Housing and submit it to their housing provider to send to Northumberland County Housing Services.

Any offers received during the first 12 months of being overhoused have no impact on RGI eligibility.

Review at 12 months

If an RGI tenant or co-op member remains overhoused for 12 consecutive months, they are required to be placed on the centralized waitlist to move to a smaller unit. They must complete an Application for Rent-Geared-To-Income Housing and submit it to their housing provider to send to Northumberland County Housing Services.

An RGI tenant or co-op member may remain on the current housing provider's internal transfer list while also on the centralized wait list for transfer.

Housing providers can use the Overhoused for 12 Months template letter in Schedule B.

Extenuating Circumstances

Housing providers may allow for an overhoused RGI tenant or co-op member to remain in their current unit in extenuating circumstances with the approval of Northumberland County Housing Services.

Housing providers must ensure that the reason for the approval is clearly documented on the RGI tenant or co-op member's file and communicated to them. Housing providers must also ensure the reason for the exception is still valid at the time of each annual review.

Adding Overhoused Tenants/Co-op Members to the Centralized Wait List

If an RGI tenant or co-op member remains overhoused for 12 consecutive months, they are required to be placed on the centralized wait list to move to a smaller unit.

The housing provider must:

- notify the tenant or co-op member that they are required to be on the centralized wait list to transfer to a smaller unit
- provide the tenant or co-op member with an Application for Rent-Geared-To-Income Housing to be returned to the housing provider within 10 days
- forward the Application for Rent-Geared-To-Income Housing to their housing provider to send to Northumberland County Housing Services

If the tenant or co-op member does not return the Application for Rent-Geared-To-Income Housing within 10 days, they are ineligible for RGI.

Completed Application for Rent-Geared-To-Income Housing

The housing provider is responsible for forwarding the Application for Rent-Geared-To-Income Housing to Northumberland County Housing Services, along with the original overhoused letter, and the overhoused letter provided at 12 months.

Northumberland County Housing Services will place the tenant or co-op member on the centralized waitlist with an application date according to the date that the RGI tenant or co-op member became overhoused with an "Urgent" status.

The tenant or co-op member should select a minimum of two additional properties from the Building Selection Sheet, other than the building they current reside in. Exceptions will be made to this requirement in extenuating circumstances. Northumberland County

Housing Services will notify the overhoused RGI tenant or co-op member that they have been placed on the centralized waitlist with an “Urgent” status.

RGI Ineligibility

An overhoused RGI tenant or co-op member is ineligible for RGI if they:

- fail to return the Application for Rent-Geared-To-Income Housing to their housing provider within 10 days of the request
- refuse one offer of housing, including internal transfer offers after 12 months.

If the housing provider determines that an overhoused tenant or co-op member is ineligible for RGI, they must notify Northumberland County Housing Services only if the tenant or co-op member is also on the centralized waitlist. Northumberland County Housing Services will remove them from the waitlist.

If Northumberland County Housing Services determines that an overhoused tenant or co-op member is ineligible for RGI, they will remove them from the waitlist and notify the current housing provider. The housing provider will send notice of RGI ineligibility.

Notice of RGI Ineligibility

The housing provider is always responsible for notice of RGI ineligibility. They will give the RGI tenant or co-op member notice that they:

- are ineligible for RGI in their current unit because they are not following the process to move to a smaller unit – i.e. they have not returned the Application for Rent-Geared-To-Income Housing or they have refused an offer to transfer
- must pay the market rent or housing charge beginning the first day of the month following 90 days from the date of notice
- have the right to request an Internal review.

Housing Provider Update Form

Housing providers continue to be responsible for determining RGI eligibility of overhoused tenants and co-op members. Housing providers must notify Northumberland County Housing Services by completing the Housing Provider Update Form if an overhoused RGI tenant or co-op member on the centralized wait list:

- is no longer overhoused and required to transfer
- moves out
- is no longer eligible for RGI
- accepts an offer to transfer to a smaller unit
- refuses an offer to transfer to a smaller unit
- changes telephone numbers or other contact information.

If Northumberland County Housing Services has had no contact with an overhoused tenant or co-op member or with their current housing provider in 12 months, it will contact the housing provider directly to update the file and determine if the RGI tenant or co-op member should remain on the centralized waitlist for transfer.

Offers and Transfers

Northumberland County Housing Services will notify the current housing provider when an RGI tenant on the centralized waitlist for a transfer has been offered a unit and/or when an offer has been accepted.

Modified and Supportive Units

Tenants and co-op members who live in modified or supportive units are not required to move to a smaller unit as long as they continue to be eligible for the modification or support service - even if they are eligible for RGI and otherwise determined to be overhoused. No action is required for these tenants and co-op members.

Repealed Rules

2008-07 Occupancy Standards

2008-10 Internal Transfer Request

Legislative Authority

Housing Services Act, s. 42, 43

Ontario Regulation 367/11, s. 32.2, 38, 42

If there are any questions please contact the Service Manager for Northumberland County Housing Services at 905-372-3329

SCHEDULE A – Notice of Overhoused Template Letter

Date

“Private and Confidential”

[Name]

[Address]

“Without Prejudice”

Dear [Name],

RE: Notice of Overhoused Status

It has been determined that as of [Date], you are living in a unit that is larger than you need. Overhoused tenants/members normally have to move to a smaller unit so that someone else on the wait list who needs a larger unit can be offered one.

The largest unit that you are eligible for is a [#] bedroom unit.

[Option 1 – If you can accommodate the smaller unit]

We have placed you on our internal transfer list to move to a smaller unit. If you have not moved to a smaller unit in the next 12 months, you will need to be placed on the centralized waitlist to transfer to a smaller unit with other housing providers in Northumberland County.

[Option 2 – If you cannot accommodate the smaller unit]

We will review your file in 12 months. If you are still overhoused at that time, you will need to be placed on the centralized waitlist to transfer to a smaller unit with other housing providers in Northumberland County. You may complete an Application for Rent-Geared-To-Income Housing now and be placed on the centralized waitlist.

If you disagree with this decision, you may request an Internal Review of it within 30 days of the date of this letter. To request an Internal Review, you must write to our office stating the reasons that you disagree with the decision, your name and your signature.

Please let us know if you have any changes to your household in the meantime. If you have any questions, please call me at **[phone number]**.

Sincerely,

Name

Name of Non Profit or Co-operative Agency

SCHEDULE B – Overhoused for 12 Months Template Letter

Date

“Private and Confidential”

[Name]

[Address]

“Without Prejudice”

Dear [Name],

RE: Overhoused for 12 Months and Rent-Geared-To-Income Eligibility

You have been overhoused since **[date]**. To remain eligible for rent-geared-to-income (RGI) where you live now, you must be added to the centralized wait list to move to a smaller unit. Overhoused tenants and co-op members need to move to a smaller unit so that someone else on the wait list who needs a larger unit can be offered one.

If you disagree with this decision, you may request an Internal Review of it within 30 days of the date of this letter. To request an Internal Review, you must write to our office stating the reasons that you disagree with the decision, your name and your signature.

Please complete the attached Application for Rent-Geared-To-Income Housing and return it to our office by **[date – 10 days from date of letter]**. We will send it to Northumberland County Housing Services to have you added to the waitlist to transfer to a **[#]**-bedroom unit at the locations you have selected. Northumberland County Housing Services will send you a letter after we send them your application to advise you that you have been placed on the waitlist.

If we do not receive the completed Application for Rent-Geared-To-Income Housing by **[date]**, you will no longer be eligible for RGI and will be required to pay the full **[market rent/housing charge]** for your unit.

If you have any questions, please call me at **[phone number]**.

Sincerely,

Name

Name of Non Profit or Co-operative Agency