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London
 CANADA

Housing Division Notice

Date: September 18, 2012

HDN#: 2012 - 177

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

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Federal Non-Profit Housing Program (Rent Supplement units only)

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

Subject: LOCAL RULE – OCCUPANCY STANDARDS (Replaces HDN#: 2002-26)

1. PURPOSE:

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)* and associated regulations related to local occupancy standards.

2. BACKGROUND AND COMPLIANCE STANDARD:

The *Housing Service Act, 2011* establishes the service manager’s authority to determine what size of unit a rent-geared-to-income household is eligible for, using what are known as occupancy standards. Under section 43 of the Act, a service manager shall establish occupancy standards for determining the size and type of unit permissible for a household receiving rent-geared-to-income assistance.

The occupancy standards must comply with the following prescribed requirements outlined in section 42 of O.Reg 367/11:

1. The standards must provide for the household to be permitted a larger unit than would otherwise be permitted if a larger unit is reasonably necessary due to a disability or medical condition of a member of the household.
2. The standards must treat a child of a member of a household as a member of the household, for the purposes of the occupancy standards, if the child,
 - i. is in attendance at a recognized educational institution and, while in attendance, does not live with the household,
 - ii. lives with the household while not attending that educational institution, and
 - iii. is dependent, in whole or in part, on the household for financial support.

For the purposes of subparagraph 2, "**recognized educational institution**" means any of the following or a similar institution outside Ontario:

- i. A school, as defined in the *Education Act*.
- ii. A university.
- iii. A college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*.
- iv. A private career college, as defined in the *Private Career Colleges Act, 2005*.
- v. A private school, as defined in the *Education Act*, for which a notice of intention to operate has been submitted to the Ministry of Education in accordance with that Act.

For the purposes of applying the occupancy standards, a "**child**" is less than eighteen (18) years of age, unless the child meets the definition of a student as outlined in point (8) under Additional bedroom(s) section.

This does not change the definition of "child of the household" used when calculating RGI rent. The definition of a "**child of the household**" is a child of a member of the household unit who, lives in the household, does not have and has never had a spouse or same-sex partner; and is not the parent of an individual living in the household. There is no age limit for "child of the household".

The occupancy standards provides greater flexibility based on various criteria such as number of household members, age, gender, relationship, space for medical equipment and other factors. The local standards match household size with the appropriate sized unit while providing applicants with greater choice over the size of unit they will accept, within the range they are eligible for.

3. LOCAL RULE:

The **largest unit** a household is eligible for is a unit that has:

- a) one bedroom for any two members of the household who are spouses of each other or same-sex partners of each other;

- b) one bedroom for each additional member of the household; and
- c) any additional bedrooms as follows.

Additional bedroom(s):

1. An additional bedroom if one of the spouses or same-sex partners referred to in (a) requires a separate bedroom because of a disability or medical condition.
2. An additional bedroom if one of the children who would normally share a bedroom requires a separate bedroom because of a disability or medical condition.
3. An additional bedroom if the room is required to store equipment required by a member of the household because of a disability or medical condition.
4. An additional bedroom if the bedroom is required to accommodate an individual who is not a member of the household and who provides a member of the household with support services that are required because of the member's disability or medical condition.
5. An additional bedroom if a member of the household is pregnant.
6. An additional bedroom if a member of the household has joint custody over a child who is not a member of the household, the member is required to provide accommodation for the child, and the bedroom is required to accommodate the child.
7. An additional bedroom if, a member of the household has visiting rights with respect to a child who is not a member of the household, it is a condition of the member's visiting rights that the member must provide adequate accommodation for the child when the child stays overnight with the member, the child will stay overnight with the member frequently, and the bedroom is required to accommodate the child.
8. A household may continue to occupy a larger unit if it has a child who is a student regularly attending a recognized educational institution away from the household but who is financially dependent, in whole or in part, on the household for support and is living at home while not attending that educational institution.

An additional bedroom may be included only if the household requests it and the request is supported with proper documentation (eg. Legal custody agreement, Independent Living Assessment form, Request for Urgent Medical form, ultrasound, medical note, etc. or as requested by the service manager)

The **smallest unit** a household is eligible for is a unit that has:

- a) one bedroom for an individual or for every two members of the household who are spouses of each other or same sex-partner of each other; and
- b) an additional bedroom for each additional member of the household if there is an odd number of members in the household.

Two children of the same sex may share a bedroom. Children of the opposite sex, under age 5, may share a bedroom. The decision, whether to share or not, will be left to the applicant.

Exceptions to the Occupancy Standards

- a) The smallest size unit that a one-member household or two spouses would be eligible for, is a bachelor unit. However, a household does not have to accept a bachelor unit unless the household indicated that they are willing to live in a bachelor unit
- b) A single parent is eligible for a unit in which the parent shares a bedroom with a child, if the applicant requests it.
- c) If a household does not indicate any preference for a size unit, they are deemed to have selected the largest size unit for which the household is eligible.
- d) A household may choose to be underhoused as long as the resulting occupancy is in accordance with existing municipal by-laws. The maximum number of residents in a dwelling unit or lodging house shall not exceed one (1) person per 9.3 m² (100 ft²) of habitable floor space **as per City of London Property Standards By-law section 4.8.7 (Occupancy – Maximum)**
- e) Market rent households and special needs households (including accessible units) may not be subject to these standards so long as the resulting occupancy is in accordance with existing municipal by-laws or at the discretion of the service manager.

4. ACTION:

The occupancy standards in this Local Rule are effectively immediately. Allowing for the policy exception as noted, Housing Providers should review their own occupancy standards bylaws/policies to ensure compliance. Housing Providers must fill all future vacancies in accordance with this policy and review all current households to ensure compliance with this policy. Appropriate action should be taken for those households who are not in compliance with the occupancy standards.

5. AUTHORIZATION:

Original signed by



Louise Stevens,
Director , Municipal Housing

Date: _____

Sept 18, 2012