



Housing Services  
355 Wellington Street,  
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London, ON  
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**London**  
CANADA

# Housing Division Notice

**Date: July 14, 2022**

**HDN# 2022 – 258**

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

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

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**Subject: LOCAL RULE - CEASING TO MEET OCCUPANCY STANDARDS** (*Replaces HDN#: 2012-178*)

**1. PURPOSE:**

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)*, Section 42 & 43 and Ont. Reg 357/11, S. 38, which sets out parameters for a local rule when tenants cease to meet occupancy standards.

**2. BACKGROUND AND COMPLIANCE STANDARD:**

The *HSA, 2011* under Ont. Reg 367/11 s. 38, establishes the service manager's authority to make a local eligibility rule providing for a household to cease to be eligible for rent- geared-to-income (RGI) assistance if the household occupies a unit that is larger than the largest size permissible under the Service Manager's occupancy standards.

If a local rule is established for the service area, the following provisions must be made:

- i. household occupies a unit that is larger than the largest size permissible under the service manager's occupancy standards.
- ii. The local eligibility rule must provide that the household does not cease to be eligible if the household is following the process, specified in the rule or by the Service Manager, to be transferred to a unit that is permissible under the service manager's occupancy standards.

### **3. POLICY**

- i. The local occupancy standards set out a range of unit sizes for which RGI households may be eligible for.
  - Under local occupancy standards, the largest unit for which an RGI household is normally eligible has one bedroom for any two members of the household who are spouses or partners of each other, plus one bedroom for each additional member of the household.
  - The smallest unit for which an RGI household is eligible has one bedroom for every two members of the household, plus an additional bedroom if there are an odd number of members in the household.
- ii. A housing provider must review that an RGI household is within the allowable range of occupancy standards at the time of offer, as part of the annual review process, and/or if there has been a change in the size or composition of the household.
- iii. A household is considered over-housed when they have fewer members living in the unit than the number established under the local occupancy standards.
- iv. If the housing provider determines that a household occupies an RGI unit that is larger than the largest unit in respect of which the household is eligible to receive RGI assistance, the housing provider shall give the household written notice of that determination with a copy sent to the Service Manager.
- v. A household does not cease to be eligible for RGI assistance until at least a year after the household has been notified, by the housing provider, that the household occupies a unit that is larger than the largest size permissible under the local occupancy standards.
- vi. After one year of being notified that the household has been over-housed, the household shall be placed on the housing provider's internal transfer list for a suitably sized unit (if available within the housing provider's portfolio) and on the centralized social housing waitlist for RGI assistance.
- vii. After one year of being notified that the household has been over-housed, the household is required to select a minimum of ten (10) housing preferences (not including their current housing location) by submitting a signed and dated Building Selection form within thirty (30) days following the one-year over-housed notification date.

- viii. The household may select or indicate preferences for units supported by the Rent Supplement program however those selections will not be counted towards the minimum selection criteria for housing preferences.
- ix. Over-housed households will be placed on the centralized social housing waitlist with an urgent transfer status based on the over-housed notification date.
- x. After one year, the household has been placed on the centralized social housing waitlist, the Service Manager will reinstate the household's original application date.
- xi. For each year, the household remains over-housed, an additional 5 (five) housing preferences will be added to the household's application up to a maximum of 20 (twenty) housing preferences.
- xii. Households may change their housing preferences at any time, provided that the minimum number of housing preferences are maintained.
- xiii. Over-housed households may be exempt from sections of this policy at the discretion of the Service Manager on a case-by-case basis if extenuating circumstances exist.
- xiv. An over-housed household is subject to HDN 248, Refusal of Offer local rule which states that the household must accept the offer of housing for which they have indicated preference. Refusal to accept the offer of housing will result in the household ceasing to qualify for RGI assistance.
- xv. An over-housed household does not cease to be eligible for rent-geared-to-income assistance if the household is following the process to be transferred to a unit that is permissible under the local occupancy standards.

#### **4. ACTION:**

Effective immediately, the policies and procedures in this Housing Division Notice are to be implemented by all Housing Providers in the City of London and County of Middlesex included under the provisions of Ontario Regulation 367/11, s. 38, under the Housing Services Act, 2011, S.O. 2011, c.6, Sched. 1. S. 42 & 43.

#### **5. AUTHORIZATION:**

*Original Signed By*

Dave Purdy  
Manager, Municipal Housing

Date: July 14<sup>th</sup>, 2022