

**COMMUNITY SERVICES**  
**Housing Division**



**Guide to**

**SPECIAL**

**NEEDS**

**HOUSING**

**Second Edition**  
**May 2004**

## **Acknowledgement**

The information contained in this handbook has been initially obtained from the Service Manager's Guide to Joint Local Transfer Planning, Release 17: Guide to Special Needs Housing issued by the Ministry of Municipal Affairs and Housing (MMAH) and has been revised by the Housing Division, Department of Community Services, City of Kingston. The second edition of the Guide to Special Needs Housing reflects the MMAH revisions as at March 1, 2004.

This handbook explains existing legislation governing the provision of special needs housing and reflects the latest amendments to Ontario Regulation 298/01 and 339/01.

The information contained in this guide is explanatory in nature and should be reviewed in the context of the local service delivery mode. The Service Manager through the Housing Division may supplement this Guide with Directives to reflect local policy and clarify regulatory provisions, or any amendments.

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# 1 Introduction

## 1.1 What the Guide Covers

The *Social Housing Reform Act, 2000* (also referred to in this guide as “the Act”) governs social housing programs transferred to municipal administration. Part V of the Act is entitled “Eligibility for Assistance” and deals with eligibility for rent-geared-to-income assistance and special needs housing. It outlines rules that must be followed by service managers, supportive housing providers, applicants and recipients of assistance with respect to specific social housing programs.

Part V of the Act addresses two different forms of assistance – rent-geared-to-income assistance and special needs housing.

- Rent-geared-to-income assistance provides financial assistance to a household by allowing them to pay a rent that is set so as to be affordable within the income the household has available.
- Special needs housing provides residential accommodation that has been modified to meet the needs of someone with a physical disability and/or where provincially-funded support services are available to help someone to live independently.

Depending on their circumstances, a household served by a social housing program may receive both rent-geared-to-income assistance and special needs housing, or may receive only one of the two forms of assistance. The eligibility for each of the two types of assistance is determined separately.

Although the rules for rent-geared-to-income assistance and special needs housing are similar in some respects, the responsibilities for administration are different.

- The service managers designated under the Act (municipalities and district social services administration boards) are responsible for administration of rent-geared-to-income assistance. Section 16 of the Act allows a service manager to enter into agreements with other parties to carry out duties and powers on its behalf (e.g. a social housing provider or a separately incorporated co-ordinated access system), but the service manager remains responsible for how administration is conducted.
- Responsibility for administering the special needs housing functions in Part V of the Act may be assigned by regulation to a supportive housing provider or a “lead agency” for some or all special needs housing. If it is not specifically assigned to a supportive housing provider or a lead agency, responsibility falls to the service manager. O. Reg. 456/01 assigns responsibility for special needs housing to individual supportive housing providers.

For these reasons, two separate guides have been prepared – one for rent-gearred-to-income assistance and one for special needs housing. Each guide covers all of the requirements relevant to that subject, including procedural requirements that are similar for both. This guide addresses only the special needs housing requirements of the Act. Release #16, “Guide to Rent-Geared-to-Income Assistance” was released on January 28, 2002.

There are three regulations under the Act that are directly related to special needs housing that are discussed in this guide:

- Ontario Regulation (O. Reg.) 456/01 “Supportive Housing Providers – Section 64 of the Act” lists the supportive housing providers that are responsible for special needs housing functions under Part V of the Act. The Appendix to this Guide contains the complete text of this regulation.
- O. Reg. 298/01 provides more detailed rules as to how special needs housing provisions under Part V of the Act are to be administered. Parts of this regulation are excerpted and discussed in this Guide.
- O. Reg. 339/01 provides additional rules for supportive housing providers about waiting lists and selection of special needs households. These sections are also discussed in this Guide.

This Guide explains provisions of the Act and Regulations as at March 1, 2004.

## **1.2 Purpose of the Guide**

This guide is designed to help those involved in the administration of special needs housing as defined by the *Social Housing Reform Act, 2000* to understand the Act and regulations that are relevant to special needs housing. It does not include any additional provincial policies that must be followed. Nor should any of the explanations or examples in the Guide be interpreted as legal advice or statements of policy. The Act and regulations should always be used as the basis for decision-making.

The Guide is divided into eight sections, addressing different major topics:

1. Introduction
2. Where Special Needs Housing Rules Apply
3. Applications for Special Needs Housing
4. Eligibility for Special Needs Housing
5. Waiting Lists and Household Selection
6. Decisions, Internal Reviews and Notices
7. Duty to Provide Information
8. Definitions

O. Reg. 456/01 with a list of supportive housing providers in the service area of Kingston and the County of Frontenac is included as an appendix 1. Application process flowchart is attached as an appendix 2.

Each section is further broken down into subsections and headings to help the reader find specific topics.

Throughout the guide, excerpts from the Act and regulations are provided. In some cases, the excerpt is self-explanatory and is the only information provided in the guide. In cases where the regulation may be complex, the guide also provides a plain-language summary or explanation. As noted earlier, these should be viewed only as explanatory material. The wording of the Act and regulations should always be used as the basis for making decisions.

## 2. Where Special Needs Housing Rules Apply

### 2.1 How Special Needs Housing is Defined

Special needs housing is defined in section 2 of the Act, as follows:

***Social Housing Reform Act, 2000, s. 2.***

“special needs housing” means a unit that is occupied by or is made available for occupancy by a household having one or more individuals who require accessibility modifications or provincially-funded support services in order to live independently in the community;

“modified unit” means a unit that has been modified so as to be accessible to an individual with a physical disability or so as to allow an individual with a physical disability to live independently;

A supportive housing provider is also defined in section 2 of the Act:

***Social Housing Reform Act, 2000, s. 2.***

“supportive housing provider” means a housing provider providing special needs housing in a housing project operated by it;

A special needs unit must fall in one of the following categories:

- A unit that has been modified for accessibility; or
- A unit that has been modified for accessibility and a member of the household requires provincially funded support services to live independently; or
- A unit that is not modified for accessibility but is occupied by a household that requires provincially funded support services in order to live independently.

Subsection 1 (3) of O. Reg. 298/01 clarifies that the special needs housing provisions of the Act apply only to those units that meet the definition of special needs housing in the Act, not to all of the units in a project or a provider’s portfolio.

**O. Reg. 298/01, s. 1.**

(3) A provision of this Regulation that applies to a supportive housing provider applies to the supportive housing provider only with respect to the units that are special needs housing in the housing projects operated by it. O. Reg. 298/01, s. 1 (3).

## 2.2 Who is Responsible for Special Needs Housing

The Act allows responsibility for special needs housing functions to be undertaken by a lead agency or if a lead agency has not been designated, by a supportive housing provider if the proper regulation is in force. If neither a lead agency nor a supportive housing provider has been granted authority through a regulation, the service manager is responsible for the function.

### ***Social Housing Reform Act, 2000***

#### **Service manager, supportive housing provider or lead agency**

64. Where subsection 71 (1) or (2), 72 (1), (2), (4) or (5), 73 (1), (2), (3) or (4), 74 (1), (2), (3), (4) or (5), 82 (2) or 90 (2) or (5) refers to a service manager, supportive housing provider or lead agency, it shall be interpreted in accordance with the following rules:

1. If a lead agency is designated for the service area, the provision shall be deemed to apply only to the lead agency, and not to the service manager or a supportive housing provider.
2. If a lead agency is not designated for the service area and a regulation is in force specifying that the provision applies to a supportive housing provider, the provision shall be deemed to apply only to a supportive housing provider, and not to the service manager or lead agency.
3. If a lead agency is not designated for the service area and no regulation is in force specifying that the provision applies to a supportive housing provider, the provision shall be deemed to apply only to the service manager, and not to a supportive housing provider or lead agency. 2000, c. 27, s. 64.

O. Reg. 456/01 assigns responsibility for special needs housing under section 64 to individual supportive housing providers. This regulation provides a table listing the supportive housing providers for each service manager and the effective date, which is the date that administrative responsibility for a project is transferred to the service manager. It is included in this guide as an Appendix. The regulation should be consulted to determine whether a housing provider is subject to the special needs housing provisions of the Act and regulations.

The list of supportive housing providers in O. Reg. 456/01 includes providers who have modified units and/or units with provincially funded support services. In many cases, a housing provider may have both special needs housing units and other units in the same project.

## 2.3 Housing Programs to Which the Rules Apply

Schedule 1 of O. Reg. 298/01 specifies what housing programs are subject to Part V of the Act. This list (shown below) includes all of the programs transferred to municipal service managers, except those programs that are governed by project operating agreements to which Canada Mortgage and Housing Corporation (CMHC) is a signatory. This exception includes municipal non-profit projects with tripartite agreements signed by Ontario, CMHC and the non-profit housing corporation, as well as non-profit programs that were administered by CMHC prior to April 1, 2001.

<b>O. Reg. 298/01</b>	
<b>Schedule 1</b> HOUSING PROGRAMS	
Program Category Number	Program Description
Public Housing Programs (1 (a) and 1 (b))	
1 (a)	The public housing programs administered before January 1, 2001 by Local Housing Authorities for the object of providing appropriate housing exclusively to applicants selected on the basis of being financially unable to obtain affordable, suitable and adequate housing on the private market, as determined by Ontario, in housing projects that immediately before January 1, 2001 were owned or leased by the Ontario Housing Corporation or jointly by the Ontario Housing Corporation and the CMHC
1 (b)	The public housing program administered before January 1, 2001 by the Ministry for the object of providing appropriate housing exclusively to applicants selected on the basis of being financially unable to obtain affordable, suitable and adequate housing on the private market, as determined by Ontario, in housing projects that immediately before January 1, 2001 were owned or leased by the Toronto Housing Company

**O. Reg. 298/01****Schedule 1**  
HOUSING PROGRAMS

Program Category Number	Program Description
Rent Supplement Programs (2 (a), 2 (b), 2 (c) and 2 (d))	
2 (a)	All Rent Supplement Programs administered before January 1, 2001 by Local Housing Authorities or the Ministry that are not included under 2 (b), 2 (c) and 2 (d), including: <ol style="list-style-type: none"><li>1. Rent Supplement — Regular</li><li>2. Accelerated Rental CMHC</li><li>3. Accelerated Rental OMC</li><li>4. Community Integrated</li><li>5. Assisted Rentals</li><li>6. Limited Dividend</li><li>7. Private Assisted Rental</li><li>8. Ontario Rental Construction Plan</li><li>9. Canada Rental Supply Plan</li><li>10. Convert-to-rent</li><li>11. Canada Ontario Rental Supply Plan</li><li>12. Renterprise</li><li>13. Low Rise Rehabilitation</li><li>14. Ontario Rental Construction Loan</li><li>15. Assisted Rental Housing</li><li>16. Ontario Accelerated Family Rental Housing</li></ol>
2 (b)	Rent Supplement Programs administered before January 1, 2001 by the Ministry that are not included under 2 (a), 2 (c) and 2 (d), with respect to units in projects owned, leased or administered by non-profit housing providers or by non-profit housing co-operatives under the <i>Co-operative Corporations Act</i> , including the following programs: <ol style="list-style-type: none"><li>1. Community Sponsored Housing Program (1978-1985)</li><li>2. Community Sponsored Housing Program (P2500) (1978-1985)</li><li>3. Ontario Community Housing Assistance Program (1978-1985)</li></ol>
2 (c)	The Rent Supplement Homelessness Initiative and the Rent Supplement Special Needs Homelessness Initiative, except for the portions of those programs included under 2 (d)
2 (d)	The Rent Supplement Homelessness Initiative and the Rent Supplement Special Needs Homelessness Initiative, as they apply to units in projects owned, leased or administered by non-profit housing providers or by non-profit housing co-operatives under the <i>Co-operative Corporations Act</i>

<b>O. Reg. 298/01</b>	
<b>Schedule 1</b> HOUSING PROGRAMS	
Program Category Number	Program Description
Non-Profit Full Assistance Housing Programs (6 (a) and 6 (b))	
6 (a)	<p><i>With respect to non-profit housing providers other than non-profit housing co-operatives</i></p> <p>Non-Profit Full Assistance Housing Programs administered before January 1, 2001 by the Ministry, not including the Municipal Non-Profit Housing Program, but including:</p> <ol style="list-style-type: none"> <li>1. Jobs Ontario Homes</li> <li>2. The Ontario Non-Profit Housing Program (P-3000)</li> <li>3. The Ontario Non-Profit Housing Program (P-3600)</li> <li>4. The Ontario Non-Profit Housing Program (P-10,000)</li> <li>5. Homes Now</li> <li>6. Federal/Provincial Non-Profit Housing Program (1986-1993)</li> </ol>
6 (b)	<p><i>With respect to non-profit housing co-operatives</i></p> <p>Non-Profit Full Assistance Housing Programs administered before January 1, 2001 by the Ministry, not including the Municipal Non-Profit Housing Program, but including:</p> <ol style="list-style-type: none"> <li>1. Jobs Ontario Homes</li> <li>2. The Ontario Non-Profit Housing Program (P-3000)</li> <li>3. The Ontario Non-Profit Housing Program (P-3600)</li> <li>4. The Ontario Non-Profit Housing Program (P-10,000)</li> <li>5. Homes Now</li> <li>6. Federal/Provincial Non-Profit Housing Program (1986-1993)</li> </ol>
O. Reg. 298/01, Schedule. 1. O. Reg. 85/02 s.11	

Where special needs housing units are funded by one of the programs in Schedule 1 (listed above), the rules in Part V of the Act and O. Reg. 456/01, 339/01 and 298/01 apply. In projects where some special needs housing units are funded under a program on the list and others are funded under a program with a project operating agreement that CMHC has signed, only the special needs housing units funded by the listed program are subject to Part V and the accompanying regulations.

There is nothing to prevent a housing provider and service manager from agreeing to change a federal project operating agreement such that the rules in the Act and regulations are used for all units in the project. Section 157 of the Act gives the service manager authority to amend or replace these agreements where the housing provider agrees.

***Social Housing Reform Act, 2000***

**Power to amend, replace certain operating agreements**

**157.** (1) This section applies with respect to an operating agreement to which the Government of Canada or the Canada Mortgage and Housing Corporation is a party that was entered into with respect to a prescribed transferred housing program. 2000, c. 27, s. 157 (1).

**Same**

(2) The service manager to whom responsibility for funding and administering a housing project under the housing program to which the operating agreement relates and the housing provider may amend or terminate and replace the operating agreement as it relates to the housing project, and shall do so in writing. 2000, c. 27, s. 157 (2).

### **3 Applications for Special Needs Housing**

#### **3.1 Legislative Authority**

Section 71 of the Act addresses applications for special needs housing.

***Social Housing Reform Act, 2000***

**Application for special needs housing**

**71.** (1) A member of a household who wishes to have special needs housing in a designated housing project of a service manager may apply in accordance with this section to the service manager, to a supportive housing provider or, if a lead agency is designated for the service area to the lead agency.

A member of a household that wishes to live in special needs housing may apply to the supportive housing provider in whose project the household wishes to live.

Subsection 6 (1) of O. Reg. 298/01 uses the terminology “decision-maker” to refer to the party that is responsible for applications for special needs housing.

**O. Reg. 298/01**

**Application for special needs housing**

6. (1) In this section,

“decision-maker” means the service manager , supportive housing provider or lead agency to which a household applies for special needs housing under subsection 71 (1) of the Act. O. Reg. 298/01, s. 6 (1).

Because the supportive housing providers listed in O. Reg. 456/01 are responsible for special needs housing, the decision-maker is the supportive housing provider.

### 3.2 Making an Application

Subsections 6 (2) to 6 (7) of O. Reg. 298/01 specify how an application for special needs housing must be made.

**O. Reg. 298/01, s. 6.**

(2) An application by a household for special needs housing must include full particulars of the reasons for which one or more of the members of the household require special needs housing and such other information and documents as the decision maker may require. O. Reg. 298/01, s. 6(2).

(3) If, before the household begins to occupy special needs housing, there is a change in a document or information that the household has provided with respect to its application, the household shall provide such updated document and information as the decision-maker may require within 10 business days from the date that the content of the document or the information ceases to be accurate, or within such longer period as the decision-maker may allow. O. Reg. 85/02, s. 2.

(4) The application must include a consent to the disclosure to the decision-maker of information and documents required by the decision-maker for the purpose of processing the application including, but not limited to, determining the eligibility of the household for special needs housing and determining the size and type of unit for which the household is eligible. O. Reg. 298/01, s. 6 (4).

(5) The application and the consent must be signed by each member of the household who is 16 years or older. O. Reg. 298/01, s. 6 (5).

(6) If a member of the household who is 16 years old or older is unable for any reason to sign the application and the consent, or to make a valid application and give a valid consent, the application and consent may be signed on the member's behalf by another individual who,

(a) is the parent or guardian of the member;

- (b) is an attorney of the member under a power of attorney that authorizes the attorney to make the application and give the consent on the member's behalf; or
- (c) is otherwise authorized to make the application and give the consent on the member's behalf. O. Reg. 298/01, s. 6 (6).
- (7) If the decision-maker is satisfied that the household or a third party is unable to provide information or a document, the decision-maker shall not require the household or the third party to provide that information or document. O. Reg. 298/01, s. 6 (7).

To summarize:

- An application for special needs housing must include the reasons why the household requires special needs housing and any other information or documents required by the supportive housing provider.
- A household on the waiting list for special needs housing must report any change to a document or information provided to the supportive housing provider within 10 business days after the change or within a longer period that supportive housing provider may allow.
- The application for special needs housing must include the consent of household members to disclosure by third parties of information and documents required by the supportive housing provider to process the application and verify matters such as the eligibility of the household for special needs housing and the type of unit that is appropriate.
- The application and consent must be signed by each member of the household who is 16 years or older. If the member is unable to sign the form or give his or her consent, a person authorized to sign on behalf of the member may sign it (e.g. parent, legal guardian, someone who has been given power of attorney). There must be some objective proof that the person is unable to give consent before someone else signs on their behalf.
- If the supportive housing provider is satisfied that the household or a third party is unable to provide information or a document, they must not require that the household provide it.

### 3.3 When a supportive Housing Provider Receives an Applications

The supportive housing provider has specific responsibilities once an application for special needs housing is received. These are outlined in subsections 6(8) to (12) of O. Reg. 298/01

**O. Reg. 298/01, s. 6.**

(8) Upon receiving an application for special needs housing, the decision-maker shall determine whether,

(a) the application and the consent have been filled out and signed; and

(b) the decision-maker has received all other information and documents required by this Regulation or by the decision-maker, including information and documents from third parties that the decision-maker requires for the purpose of verifying information and documents provided by the household. O. Reg. 298/01, s. 6 (8).

(9) Within seven business days after receiving the application, the decision-maker shall give the household a written notice,

(a) stating that the application is complete, if the decision-maker has determined that the conditions set out in subsection (8) have been met; or

(b) stating that the application is not complete and explaining why it is not complete, if the decision-maker has determined that the conditions set out in subsection (8) have not been met. O. Reg. 298/01, s. 6 (9)

(10) If the decision-maker gives the household a written notice stating that the application is not complete, the decision-maker shall, if it determines subsequently that the conditions set out in subsection (8) have been met, promptly give the household a written notice stating that the application is now complete. O. Reg. 298/01, s. 6 (10).

(11) The application shall be considered to be complete for the purposes of this Regulation on the date of the written notice given by the decision-maker stating that the application is complete. O. Reg. 298/01, s. 6 (11).

(12) The decision-maker is not required to determine the eligibility of the household for special needs housing or the size and type of unit for which the household is eligible, if the household's application for special needs housing is not complete. O. Reg. 298/01, s. 6 (12).

When an application for special needs housing is received, the supportive housing provider must determine whether:

- the application and the consent have been filled out and signed; and
- all information and documents required to verify information and documents have been received.

The supportive housing provider must give the household written notice within seven business days after receiving the application, stating that:

- the application is complete, if it is complete; or
- the application is not complete and explain why it is not complete.

If the household had previously been given written notice that the application was incomplete, the supportive housing provider must give the household another written notice that is complete as soon as possible after the necessary information has been received. The application is considered complete on the date of the written notice that states that the application is complete.

If the application is not complete, the supportive housing provider is not required to determine eligibility for special needs housing or the size and type of unit for which the household is eligible.

## **4 Eligibility for Special Needs Housing**

### **4.1 Legislative Authority**

Section 72 of the Act addresses determination of eligibility for special needs housing.

As discussed in section 2.2 of this Guide, the supportive housing providers listed in O. Reg. 456/01 are responsible for carrying out the requirements of this section of the Act. The requirements in section 72 of the Act should therefore be read as applying only to the supportive housing providers named in O. Reg. 456/01.

#### ***Social Housing Reform Act, 2000***

##### **Eligibility for special needs housing**

72. (1) A service manager, supportive housing provider or lead agency, as the case may be, shall determine whether a household that applies for special needs housing in a designated housing project of the service manager is eligible for it. 2000, c. 27, s. 72 (1).

##### **Same, continued eligibility**

(2) The service manager, supportive housing provider or lead agency shall periodically determine whether each household occupying special needs housing in a designated housing project of the service manager continues to be eligible for it. 2000, c. 27, s. 72 (2).

##### **Eligibility rules**

(3) The decisions required by this section shall be made in accordance with such eligibility rules as may be established under this Act for special needs housing. 2000, c. 27, s. 72 (3).

##### **Duty**

(4) A service manager, supportive housing provider or lead agency shall ensure that special needs housing is given to only those households that are eligible for it. 2000, c. 27, s. 72 (4).

The authority for eligibility rules for special needs housing is found in subsection 75 (2) of the Act.

***Social Housing Reform Act, 2000, s. 75.***

**Same, special needs housing**

(2) Eligibility rules shall be established under this Part for the purpose of determining whether a household is eligible to occupy or to continue to occupy special needs housing. 2000, c. 27, s. 75 (2).

## **4.2 Eligibility Rules**

The eligibility rules for special needs housing are found in section 19 of O. Reg. 298/01:

**O. Reg. 298/01**

**Eligibility requirement**

**19.** (1) A household is eligible for special needs housing if one or more of its members require accessibility modifications or provincially-funded support services in order to live independently in the community. O. Reg. 298/01, s. 19 (1).

(2) A household need not be eligible for rent-geared-to-income assistance in order to be eligible for special needs housing. O. Reg. 298/01, s. 19 (2).

A household is eligible for special needs housing if at least one member requires accessibility modifications and/or provincially funded support services in order to live independently, regardless of whether they are eligible for rent-geared-to-income assistance. The supportive housing provider makes the determination as to whether the household meets these criteria.

Eligibility for rent-geared-to-income assistance is treated separately. If a household applying for or receiving special needs housing wishes rent-geared-to-income assistance, it must apply and meet the eligibility criteria for that assistance in the same way as other rent-geared-to-income households.

However, it is important to note that a household applying for special needs housing and rent-geared-to-income assistance does not have to be added to the service manager's centralized waiting list in order to receive rent-geared-to-income assistance. When a household is selected from a supportive housing provider's waiting list for a special needs housing unit, it will be offered rent-geared-to-income assistance at the same time, provided it has applied for and meets the eligibility criteria for rent-geared-to-income assistance.

The rules governing an application for rent-geared-to-income assistance by a household that is being offered a special needs housing unit are found in O. Reg. 339/01.

**O. Reg. 339/01, s. 16**

(3.1) If the highest ranked household to whom a supportive housing provider offers the unit under subsection (1) or (2) applies for rent-geared-to-income assistance, the household shall provide the service manager with the information and documents that the service manager may require under section 5 of Regulation 298/01 to determine if the household is eligible for rent-geared-to-income assistance and the amount of the assistance and the service manager shall determine if the household is so eligible. O. Reg. 181/02, s. 3(2)

(3.2) If the service manager determines under subsection (3.1) that the household is eligible for rent-geared-to-income assistance, the rent for the unit shall be the rent as determined in accordance with section 22. O. Reg. 181/02, s. 3(2)

(3.3) If a household receives rent-geared-to-income assistance under subsection (3.1), the unit is deemed to be a rent-geared-to-income unit for purposes of section 100 of the Act. O. Reg. 181/02, s. 3(2).

### **4.3 Requirement for a Household to Give Notice of Changes**

O. Reg. 298/01 requires that a household inform the supportive housing provider about changes in information that might affect its eligibility for the special needs housing that it is occupying.

**O. Reg. 298/01**

**Notice of changes**

**20.** A household occupying special needs housing shall,

- (a) within 10 business days after each change in a document or information that the household has provided to the supportive housing provider, or within such longer period as the supportive housing provider may allow, give the supportive housing provider a written notice setting out the change in the form and manner required by the supportive housing provider; and
- (b) in the case of a change in a document, provide the changed document to the supportive housing provider within the period of time specified by the supportive housing provider. O. Reg. 298/01, s. 20; O. Reg. 409/01, s. 5; O. Reg. 85/02, s. 5.

A household occupying special needs housing must give the supportive housing provider written notice of any change to any information or document that the household provided to the supportive housing provider within 10 business days of the date the change took place or within such a larger period of time as allowed by the supportive housing provider. This notice may be provided in whatever form the supportive housing provider specifies. If a document has changed, the household must also provide the updated document, within the time period specified by the supportive housing provider.

## 4.4 Review of Eligibility

O. Reg. 298/01 also requires that a supportive housing provider periodically review the eligibility of households for special needs housing.

### **O. Reg. 298/01**

#### **Review of eligibility**

21. (1) Once in every 12-month period after a household is determined to be eligible for special needs housing, the supportive housing provider shall review the eligibility of the household and shall determine,

- (a) whether the household continues to be eligible for special needs housing; and
- (b) if the household is occupying special needs housing, whether the household continues to be eligible for the unit it occupies. O. Reg. 298/01, s. 21 (1).

(2) The household subject to the review shall provide such information and documents as the supportive housing provider may require within the time period specified by the supportive housing provider. O. Reg. 298/01, s. 21 (2).

(3) The supportive housing provider may require a consent signed by any member of the household who is 16 years old or older, consenting to the disclosure to the supportive housing provider of information and documents required by the supportive housing provider for the purpose of the review. O. Reg. 298/01, s. 21 (3).

(4) Subsection 6 (6) applies, with necessary modifications, to a consent under this section. O. Reg. 298/01, s. 21 (4).

(5) Subsection 6 (7) applies, with necessary modifications, to a review under this section. O. Reg. 298/01, s. 21 (5).

At least once in every 12 months after a household is determined to be eligible for special needs housing, the supportive housing provider must review the household for continued eligibility for special needs housing. This includes reviewing the eligibility of households on the waiting list as well as households who live in a special needs housing unit. If a household is already living in a special needs housing unit, the review includes whether it is eligible for the particular unit that it is occupying.

The household must provide the information and documents required for the review, within the time specified by the supportive housing provider. The supportive housing provider may choose to require any member of the household who is 16 years or older to sign a consent to permit third parties to disclose information required for the review to the housing provider of information required for the review. If the supportive housing provider has required that a member provide consent and that member is unable to sign the form themselves, another person authorized to sign on the member's behalf may sign it.

If the supportive housing provider is satisfied that the household or a third party is unable to provide information or document, it must not require that the information or document be provided.

## 4.5 Cessation of Eligibility

O. Reg. 298/01 specifies the circumstances under which a household becomes ineligible for special needs housing.

### **O. Reg. 298/01**

#### **Cessation of eligibility**

**22.** (1) A household that has been determined to be eligible for special needs housing ceases to be eligible for such housing, whether or not the household is occupying such housing if,

- (a) the supportive housing provider discovers that, at the time of the initial or a subsequent determination of eligibility, the household did not meet the eligibility requirement set out in section 19;
- (b) if the household had one or more members who required accessibility modifications in order to live independently in the community, it no longer has any such members, and if the household had one or more members who required provincially-funded support services in order to live independently in the community, each such member has permanently recovered from the condition that necessitated the provision of support services and will not require support services in the future in respect of that condition;
- (c) the household fails to comply with subsection 6 (3);
- (d) the household fails to comply with section 20; or
- (e) the household fails to comply with section 21. O. Reg. 298/01, s. 22 (1).

(2) A household that has been determined to be eligible for and that is occupying a modified unit ceases to be eligible for that unit if the household no longer has any members who require the accessibility modifications provided in that unit in order to live independently in the community. O. Reg. 298/01, s. 22 (2).

(3) A household that has been determined to be eligible for and that is occupying a unit for which provincially-funded support services are provided ceases to be eligible for that unit if each member of the household who required support services in order to live independently in the community no longer requires the support services available for that unit and will not in the future require the support services available for that unit as a result of that condition. O. Reg. 298/01, s. 22 (3).

A household ceases to be eligible for special needs housing, whether the household is occupying a special needs unit or is on the waiting list, if any of the following happens:

- The supportive housing provider discovers that the household did not initially or subsequently meet an eligibility requirement.
- The household no longer has a member who requires accessibility modifications in order to live independently, or who requires provincially funded support services in order to live independently, because the household member has permanently recovered from the condition that necessitated the provision of support services and will not require support services in the future because of that condition.
- The household fails, while still on the waiting list, to provide updated document or information to the supportive housing provider within 10 business days after a change or such longer time period as allowed by the supportive housing provider (subsection 6 (3) of O. Reg. 298/01).
- The household fails, while occupying a special needs unit, to give the supportive housing provider written notice of a change to a document or information provided to the supportive housing provider, within 10 business days after the change, or such longer time period as allowed by the supportive housing provider, and in the case of a change in a document, fails to provide the updated document within the period specified by the supportive housing provider (section 20 of O. Reg. 298/01).
- The household fails to provide the information and documents required by the supportive housing provider to support the annual review of eligibility within the time specified by the supportive housing provider (section 21 of O. Reg. 298/01).
- A member of the household who is 16 years or older, or if the member is unable to sign a person authorized on sign on the member's behalf, fails to sign a consent to disclose to the supportive housing provider (section 21 of O. Reg. 298/01).
- A household occupying a modified unit ceases to be eligible for that unit if the household no longer has a member who requires the accessibility modifications in the unit in order to live independently.
- A household occupying a unit for which provincially-funded support services are provided ceases to be eligible for that unit if the household no longer has a member who requires the support services available for the unit in order to live independently, and will not in the future require those support services as a result of that condition.

Being found ineligible for special needs housing does not affect a household's eligibility for rent-geared-to-income assistance. Rent-geared-to-income assistance continues as long as the household continues to meet the eligibility criteria for that assistance.

Being found ineligible for special needs housing does not mean that the household must move. The supportive housing provider has the flexibility to work with the household to determine how to provide appropriate housing for the household while making the support services or accessibility modifications that are no longer needed available at the earliest opportunity to special needs households. The housing provider's relationship with the household is governed by relevant provisions of the *Tenant Protection Act, 1997*, or the *Co-operative Corporations Act* in the case of co-operative members.

## 4.6 Time for Making Eligibility Determinations

O. Reg. 298/01 specifies the time frame in which a supportive housing provider must make decisions about eligibility.

### **O. Reg. 298/01**

#### **Time for making determinations**

23. (1) A determination about whether a household is eligible for rent-geared-to-income assistance or special needs housing must be made within 30 days after the household's application is complete. O. Reg. 298/01, s. 23 (1).

Note that the length of time for making the decision is also affected by whether or not the household needs to be given an opportunity to comment on information used to make what is expected to be a negative decision.

### **O. Reg. 298/01, s. 23**

(3) If the members of the household were given an opportunity to comment, under section 80 of the Act, in relation to the determination, the 30 or 14 days mentioned in subsection (1) or (2) does not include the time period,

- (a) beginning on the day the notice of that opportunity was given under subsection 55 (2); and
- (b) ending on the last day comments may be received under subsection 55 (6).  
O. Reg. 298/01, s. 23 (3).

To summarize, a household must be advised of whether or not it is eligible for special needs housing within 30 calendar days after the household's application is complete. The application is considered complete on the date of the written notice to the household that the application is complete (subsection 5 (15) of O. Reg. 298).

If a household is given an opportunity to comment on information that may form a significant basis for the decision, the 30 days does not include the period of time allowed for the household to provide comments. In other words, the clock stops ticking on the date the notice of the opportunity to comment is given and resumes ticking beginning on the day after the last day that comments may be received.

Note that the supportive housing provider is not required to give a member of a household an opportunity to comment on information that the member provides to them within 30 days before the supportive housing provider makes a decision (subsection 55 (1.1) of O. Reg. 298/01).

The supportive housing provider must refer all households that want to apply for rent-geared-to-income assistance to the service manager, including special needs households who want rent-geared-to-income assistance (O. Reg. 339/01, subsection 12 (2)). The eligibility requirements for rent-geared-to-income assistance are the same for special needs households as for other households. Although it is the supportive housing provider's responsibility to determine eligibility for special needs housing, it is the service manager's responsibility to determine the eligibility for rent-geared-to-income assistance. In effect, there are two processes of eligibility determination for these households, one for which the supportive housing provider is responsible (for special needs housing) and the other the responsibility of the service manager (rent-geared-to-income assistance).

Application process for special needs housing is summarized in the flowchart attached as appendix 2.

## 5 Waiting Lists and Household Selection

### 5.1 Responsibility for Administering Waiting Lists

O. Reg. 456/01 gives the responsibility for maintaining waiting lists for special needs housing to the supportive housing providers named in that regulation. O. Reg. 339/01 reinforces this.

#### **O. Reg. 339/01**

##### **Waiting list, special needs housing**

**13.** (1) Unless the waiting list for special needs housing for a service area is established and maintained by the service manager or lead agency, a supportive housing provider shall,

(a) adopt policies and procedures consistent with section 45 of Ontario Regulation 298/01, the housing provider's mandate and its targeting plan for the establishment and maintenance of a waiting list for households who require the type of special needs housing available in its housing project;

(b) provide, within six months after the termination of its operating agreement, a copy of the policies and procedures described in clause (a) in written or electronic format to the service manager; and

(c) accept applications for special needs housing from households who require the type of special needs housing available in the housing project. O. Reg. 339/01, s. 13 (1).

(2) A housing provider shall not impose a charge for accepting or processing an application for special needs housing. O. Reg. 339/01, s. 13 (2).

Although the responsibility for special needs housing waiting lists rests with the supportive housing provider, there is nothing to prevent the provider from entering into arrangements with another party to carry out these functions on their behalf. This allows arrangements such as referral agreements with support service agencies or service co-ordination organizations.

A supportive housing provider may also make arrangements for a service manager or other organization to maintain a special needs housing waiting list on its behalf. Regardless of the arrangement, however, the supportive housing provider remains accountable under section 74 of the Act for how the functions are carried out.

## 5.2 Managing Waiting Lists

### 5.2.1 Adding and Removing Households

#### O. Reg. 298/01

##### Special needs waiting lists

45. (1) This section applies with respect to waiting lists for special needs housing required under section 74 of the Act. O. Reg. 298/01, s. 45 (1).

(2) The following are requirements for waiting lists for special needs housing:

1. A household shall be added to a waiting list upon being determined to be eligible for special needs housing.

2. A household shall be removed from a waiting list if it requests to be removed or if it ceases to be eligible to be included.

3. A household shall be removed from a waiting list if the household has accepted an offer of special needs housing. O. Reg. 298/01, s. 45 (2).

### 5.2.2 Transfers to Another Special Needs Housing Unit

#### O. Reg. 298/01, s. 45.

(3) The following apply with respect to a household occupying a special needs housing unit that wishes to transfer to another special needs housing unit within the same service area:

1. The household may request to be added to a waiting list for special needs housing by submitting an application signed by all members of the household who are 16 years old or older.

2. If a member of the household who is 16 years old or older is unable for any reason to sign the application, or to make a valid application, the application may be signed on the member's behalf by another individual who,

i. is the parent or guardian of the member,

ii. is an attorney of the member under a power of attorney that authorizes the attorney to make the application, or

iii. is otherwise authorized to make the application on the member's behalf.

3. A household that makes a request in accordance with paragraph 1 shall be added to the waiting list. O. Reg. 298/01, s. 45 (3).

If a household living in a special needs unit wishes to transfer to another special needs housing unit within the same service area, the household may request to be added to a special needs waiting list by submitting an application signed by all members of the household who are 16 years of age or older. If a member who is 16 years of age or older is unable to sign the application or to make a valid application, another person who is authorized to sign on the member's behalf may sign the application.

If a household living in a special needs housing unit wishes to transfer to a unit in another service manager's area, they may make a new application to a supportive housing provider's waiting list in that area.

### **5.2.3 Continuation of Existing Waiting Lists**

O. Reg. 298/01 also provides that waiting lists for special needs housing that were administered by supportive housing providers before the Regulation came into effect are carried over into the new process.

**O. Reg. 298/01, s. 45.**

(5) If a service manager, supportive housing provider or lead agency that is required to establish and administer one or more waiting lists for special needs housing under section 74 of the Act administers, immediately before this Regulation comes into force in the service manager's service area, a waiting list for special needs housing, that waiting list is continued as a waiting list under section 74 of the Act. O. Reg. 298/01, s. 45 (5).

## 5.3 Waiting List Priorities

O. Reg. 298/01 establishes provincial priority rules for the purposes of the special needs waiting list. As in the case of waiting lists for rent-geared-to-income assistance, households that have been determined to be eligible for the “Special Priority Household Category” must be ranked higher than other households. The rules also address the ranking of special priority households that are at greater risk of being abused, or that live with the abuser.

### **O. Reg. 298/01, s. 45.**

(3.1) A special priority household ranks higher than a household that is not a special priority household. O. Reg. 182/02, s. 3.

(3.2) A special priority household ranks higher than another special priority household if the service manager, supportive housing provider or lead agency determines that a member of the first household is at greater risk of being abused than the members of the other household. O. Reg. 182/02, s. 3.

(3.3) Subject to subsection (3.2), if the abused member of a special priority household lives with an abusing individual, that household ranks higher than another special priority household for which that is not the case. O. Reg. 182/02, s. 3.

The regulations do not provide any other rules about ranking of households on a waiting list for special needs housing. The supportive housing provider may to establish additional priorities of its own as long as the requirements about ranking special priority households are met. The supportive housing has flexibility to enter into referral agreements with organizations serving clients with special needs or take other steps to match a household’s specific needs with the support services or modifications available in their projects.

## 5.4 Special Priority Household Category

Part IV of O. Reg. 298/01 is entitled “Special Priority Household Category” and prescribes a number of specific rules about this category.

Households that have a member or members who are abused and apply for Special Needs Housing and/or rent-geared-to-income have a mandatory priority on waiting lists

These rules are designed to protect the safety of members of a household that applies for the special priority household category.

## 5.4.1 Making a Request for Special Priority.

### O. Reg. 298/01

#### Request to be special priority household

24. (1) If a household is applying for rent-geared-to-income assistance or special needs housing, any member of the household who is 16 years or older may request that the service manager, supportive housing provider or lead agency, determine that the household should be included in the special priority household category on the centralized waiting list. O. Reg. 182/02, s. 1.
- (2) A request for a determination that a household should be included in the special priority household category may not be made except as provided in subsection (1). O. Reg. 298/01, s. 24(2)
- (3) The request must be in writing and must state that,
- (a) a member of the household has been subject to abuse from another individual;
  - (b) the abusing individual is or was living with the member or is sponsoring the member as an immigrant; and
  - (c) the abused member intends to live permanently apart from the abusing individual.
- O. Reg. 298/01, s. 24. 3.

Any member of an applicant household who is 16 years or older may also make a request for Special Priority Status. A request for Special Priority Status may be made only where a member of the household has been subject to abuse from someone that they are or have been living with, or from someone who has sponsored them as an immigrant, and that household member intends to live permanently apart from the abuser. The request must include statements declaring that these three criteria are met.

- (4) The request must be signed by the member making the request. O. Reg. 298/01, s. 24.(4).
- (5) If the member making the request is unable for any reason to sign the request or to make a valid request, the request may be signed on the member's behalf by another individual who,
- (a) is the parent or guardian of the member;
  - (b) is an attorney of the member under a power of attorney that authorized the attorney to make the request on the member's behalf; or
  - (c) is otherwise authorized to make the request on the member's behalf. O. Reg. 298/01, s. 24 (5).
- (6) The request must include a consent signed by the abused member, consenting to the disclosure to the service manager, supportive housing provider or lead agency of information and documents required by the service manager, supportive housing provider or lead agency for the purpose of verifying the statement required under clause (3) (a). O. Reg. 298/01, s. 24(6); O. Reg. 182/02, s. 2,
- (7) If the abused member is less than 16 years old or is unable for any reason to sign the consent
- or to give a valid consent, the consent may be signed on the member's behalf by another individual who,
- (a) is the parent or guardian of the member;
  - (b) is an attorney of the member under a power of attorney that authorized the attorney to give the consent on the member's behalf; or
  - (c) is otherwise authorized to give the consent on the member's behalf. O. Reg. 298/01, s. 24(7).

**O. Reg. 298/01, s. 24.**

(8) The member making the request shall provide such information and documents as the service manager, supportive housing provider or lead agency may require for the purpose of verifying the statement required under clause (3)(a). O. Reg. 298/01, s. 24(8); O. Reg. 182/02, s. 2.

(9) If the service manager, supportive housing provider or lead agency is satisfied that the member making the request or a third party is unable to provide information or a document, the service manager, supportive housing provider or lead agency shall not require the member or the third party to provide that information or document. O. Reg. 298/01, s. 24(9); O. Reg. 182/02, s. 2.

(10) If the member is making the request believes that he or she will be at risk of being abused by the abusing individual if he or she attempts to obtain information or a document, the service manager, supportive housing provider or lead agency shall not require the member to provide that information or document. O. Reg. 298/01, s. 24(10); O. Reg. 182/02, s. 2.

The household member making the request must sign the request and consent to disclose documents, as in case of an application for special needs housing, if that person is unable to sign the requests, it may be signed by a person authorized to make the request on the member's behalf.

## **5.4.2 Information Provided with a Request for Special Priority**

**O. Reg. 298/01, s. 24.**

(8) The member making the request shall provide such information and documents as the service manager, supportive housing provider or lead agency may require for the purpose of verifying the statement required under clause (3)(a) O. Reg. 298/01, s. 24(9); O. Reg. 182/02, s. 2.

(9) If the service manager, supportive housing provider or lead agency is satisfied that the member making the request or a third party is unable to provide information or a document, the service manager, supportive housing provider or lead agency shall not require the member or the third party to provide that information or document. O. Reg. 298/01, s. 24(9); O. Reg. 182/02, s. 2.

(10) If the member making the request believes that he or she will be at risk of being abused by the abusing individual if he or she attempts to obtain information or a document, the service manager, supportive housing provider or lead agency shall not require the member to provide that information or document. O. Reg. 298/01, s. 24(10); O. Reg. 182/02, s. 2.

The household member making the request must provide the information and documents required by the supportive housing provider to verify the statement the household member has been subject to abuse. The specific rules about what constitutes acceptable verification of this statement are found in subsections 25(3) to (6) of the regulation (see section 5.4.8 of this Guide “Determining whether a household has Special Priority Status”).

If the household member believes that he or she will be at risk if he or she attempts to obtain the required information or document/s, the supportive housing provider must not require the information or document/s.

### **5.4.3 What a Special Priority Applicant Cannot be Asked to Provide**

**O. Reg. 298/01, s. 24.**

(11) The service manager, supportive housing provider or lead agency shall not require information as to whether the member making the request or the abused member has commenced legal proceedings against the abusing individual and shall not require information or documents relating to such proceeding. O. Reg. 298/01, s. 24(11); O. Reg. 182/02, s. 2.

(12) The service manager, supportive housing provider or lead agency shall not require information or documents from more than one person for purpose of verifying the statement required under clause (3) (a). O. Reg. 298/01, s. 24(12); O. Reg. 182/02, s.2

The supportive housing provider must not require information about whether legal proceedings against the abuser have been commenced and must not require information or documents pertaining to such proceedings.

The supportive housing provider must not require information or documents from more than one person to verify the status of the abused household member or members.

## 5.4.4 Time Frame for Submitting an Application for Special Priority

### **O. Reg. 298/01, s. 24.**

(13) If the abused member and the abusing individual used to live together but not longer do, the request must be submitted to the service manager, supportive housing provider or lead agency within three months after they ceased to live together. O. Reg. 298/01, s. 24(13); O. Reg. 182/02, s. 2.

(14) The service manager, supportive housing provider or lead agency may allow a request to be submitted later than would be allowed under subsection (13) if the service manager, supportive housing provider or lead agency is satisfied that it is appropriate to do so after considering whether,

(a) no member of the household knew that he or she could request to be included in the special priority household category;

(b) no member of the household knew of the need to submit a request within the time limit set out in subsection (13);

(c) the abused member is at risk of further abused from the abusing individual;

(d) the abused member is at risk of resuming living with the abusing individual due to financial hardship which could be alleviated by the provision of rent-geared-to-income assistance;

(e) the abused member is in need of rent-geared-to-income assistance to alleviate financial hardship arising from legal proceedings in relation to the previous abuse; or

(f) the abused member is attempting to use the provision of rent-geared-to income assistance as part of an overall program of recovery and re-establishment of a safe and normal life. O. Reg. 298/01, s. 24(14); O. Reg. 182/052, s. 2.

If the abused member no longer lives with the abuser, the request for special priority should normally be made within three months after they cease to live together. The supportive housing provider may allow a request to be submitted later if the supportive housing provider is satisfied that it is appropriate under the circumstances.

## 5.4.5 How a Special Priority Household can be Contacted

**O. Reg. 298/041, 24**

(15) The member making the request may inform the service manager, supportive housing provider or lead agency of the manner and form in which he or she wishes to receive communications from the service manager, supportive housing provider or lead agency and of the telephone number, postal address or other address at which he or she wishes to receive such communications and, in the case, the service manager, supportive housing provider or lead agency shall communicate with the member making the request only in accordance with the instructions provided by the member under this section. O. Reg. 298/01, s. 24(15); O. Reg. 182/02, s. 2.

The member making the request may specify the manner in which he or she wishes to receive communications and the supportive housing provider must comply with the member's instructions. The intent of this policy is to protect the person's confidentiality and safety.

## 5.4.6 Notifying Special Priority Households about Decisions

Note that subsection 55 (7) of O. Reg. 298/01 has a special rule regarding notification of decisions that involve special priority households.

**O. Reg. 298/01, s. 55.**

(7) If the decision is with respect to a request for inclusion in the special priority household category, the notices referred to in subsection (2) relating to that decision and the decision with respect to the application for rent-geared-to-income assistance with which the request was made shall be given only to the individual who made the request and not to all members of the household. O. Reg. 298/01, s. 55(7).

If the decision is to include the household in the special priority category, the notices relating to that decision and the decision regarding the application for rent-geared-to-income assistance must be given only to the individual who made the request and not to all members of the household.

## 5.4.7 Procedures and Time Frames for Special Priority Households

### O. Reg. 298/01, s. 24.

(16) Upon receiving the request, the service manager, supportive housing provider or lead agency shall determine whether,

(a) the request meets the requirements of subsection (3) and the request and the consent have been signed; and

(b) the service manager, supportive housing provider or lead agency has received all other information and documents required by the service manager, supportive housing provider or lead agency, including information and documents from a third part, for the purpose of verifying the statement required under clause (3)(a). O. Reg. 298/041, s. 24(16); O. Reg. 182/02, s. 2.

(17) Within seven business days after receiving the request, the service manager, supportive housing provider or lead agency shall give the member making the request a written notice,

(a) stating that the request is complete, if the service manager, supportive housing provider or lead agency has determined that the conditions set out in subsection (16) have been met; or

(b) stating that the request is not complete and explaining why it is not complete, if the service manager, supportive housing provider or lead agency has determined that the conditions set out in subsection (16) have not been met. O. Reg. 298/01, s. 24(17); O. Reg. 182/02, s. 2.

(18) If the service manager, supportive housing provider or lead agency gives the member making the request a written notice stating that the request is not complete, the service manager, supportive housing provider or lead agency shall, if it determines subsequently that the conditions set out in subsection (16) have been met, promptly give the member making the request a written notice stating that the request is now complete. O. Reg. 298/01, s. 24(18); Or. Reg. 182/02, s. 2.

Within seven business days after receiving the request for special priority status, the supportive housing provider must give the member making the request, and only that member, a written notice about whether or not the application is complete. If the application is not complete, the reasons why it is not complete must be stated. When all the conditions have been met, the member must be promptly notified.

Note that section 55 of O. Reg. 298/01, regarding the opportunity to comment on information, applies here as in the case of other decisions. See section 6.1 of this Guide “Opportunity of Comment”).

## 5.4.8 Determining Whether a Household has Special Priority Status

### O. Reg. 298/01

#### Special priority households

(25) (1) If a request is made under section 24, the service manager, supportive housing provider or lead agency shall determine that the household should be included in the special priority household category on the waiting list if the service manager, supportive housing provider or lead agency verifies the statement required under clause 24(3) (a) that a member of the household has been subject to abuse from another individual. O. Reg. 298/01, s. 25(1); O. Reg. 182/02, s.2.

(2) A service manger, supportive housing provider or lead agency is not required to make a decision if the request is not complete. O. Reg. 298/01, s. 25(2); O. Reg. 182/02, s. 2.

(3)The service manger, supportive housing provider or lead agency shall accept, as verification of the statement required under clause 24(3) (a) that a member of the household has been subject to abuse from another individual, a record described in subsection (4) that is prepared by an individual described in subsection (5), whether the record is disclosed to the service manger, supportive housing provider or lead agency in written or verbal form. O. Reg. 298/01, s. 25(3); O. Reg. 182/02, s. 2.

(4) The record referred to in subsection (3) is any one of the following:

1. A record of intervention by the police indicating that the member was abused by the abusing individual.

2. A record of physical injury caused to the member by the abusing individual.

3. A record of the application of force by the abusing individual against the member of force the member to engage in sexual activity against his or her will

4. A record of words, actions or gestures by the abusing individual that threaten the member or his or her property including, but not limited to, the following:

I. Threatening to physically harm the member or another member of the household.

II. Threatening to destroy or injure the member's property.

III. Intentionally killing or injuring pets.

IV. Threatening to remove the member's children from the household.

V. Threatening to prevent the member from having access to his or her children.

VI. Forcing the member to perform degrading acts.

VII. Terrorizing the member.

VIII. Threatening to take action to withdraw from sponsoring the member as an immigrant.

IX. Threatening to take action that might lead to the member being deported.

X. Other words, actions or gestures which lead the member to fear from his or her safety.

5. A record of undue or unwarranted control by the abusing individual over the member's daily personal and financial activities. O. Reg. 298/01, s. 25(4) ; O. Reg. 409/01,s. 6

(5) The individual referred to in subsection (3) is any of the following;

1. A doctor.
2. A lawyer.
3. A law enforcement officer.
4. A member of the clergy.
5. A teacher.
6. A guidance counsellor.
7. An individual in a managerial or administrative position with a housing provider.
8. A community health care worker.
9. A social worker.
10. A social service worker.
11. A victim services worker.
12. A settlement service worker
13. A shelter worker. O. Reg. 298/01, s. 25(5).

(6) In subsection (5),

“community health care worker” means an individual employed by a community health centre to provide health and health promotion education and information and to administer health and health promotion programs;

“settlement services worker” means an individual employed by an agency or organization to assist individuals coming to Ontario to settle in, adapt to and be integrated to the community;

“shelter worker” means an individual employed by an agency or organization to assist individuals for whom the agency or organization provides accommodation in an emergency or transitional shelter because of homelessness or abuse;

“social service worker” means an individual who performs the role of a social service worker within the meaning of section 10 of Ontario Regulation 383/00 made under the *Social Work and Social Service Work Act, 1998*;

“social worker” means an individual who performs the role of a social worker within the meaning of section 9 of Ontario Regulation 383/00 made under the *Social work and social Service Work Act, 1998*;

“Victim services worker” means an individual employed by an agency or organization to provide support initiatives for victims of crime and disaster. O. Reg. 298/01, s. 25

(6).

(7) Once a service manager, supportive housing provider or lead agency determines that a household should be included in the special priority household category on the waiting list, the service manager, supportive housing provider or lead agency shall not reconsider whether that household should be included in that category. O. Reg. 298/01m s. 25(7): O. Reg. 182/02, s. 2.

This means that supportive housing provider must include the household in the special priority household category on the waiting list if the application is complete and the abuse has been verified in the manner specified in O. Reg. 298/01.

The supportive housing provider must accept, as verification of the abuse, a record prepared by an individual listed in this section, whether the record is disclosed in writing or verbally.

Once a supportive housing provider has determined that a household is eligible for the special priority household category on the waiting list for Special Needs Housing, this decision is not subject to ongoing review and the status **must not** be changed, regardless of how long the household is on the waiting list (subsection 25(7)).

## 5.5 Household Selection

Subsection 16 (1) of O. Reg. 339/01 specifies how a supportive housing provider that is responsible for special needs housing must select households from its waiting list to fill special needs housing units.

### **O. Reg. 339/01**

#### **Selection of households, supportive housing provider**

**16.** (1) A supportive housing provider that is a specified supportive housing provider shall select households for its units in accordance with the following rules:

1. If the specified supportive housing provider provides provincially-funded support services in respect of the unit and the unit has been modified to improve accessibility, the specified supportive housing provider shall offer the unit to the highest ranked household on its own waiting list that requires both the accessibility modifications of the unit and the provincially-funded support services, whether or not the household is eligible for rent-geared-to-income assistance.
2. If the specified supportive housing provider provides provincially-funded support services in respect of the unit and the unit has not been modified to improve accessibility, the specified supportive housing provider shall offer the unit to the highest ranked household on its own waiting list that requires the provincially-funded support services, whether or not the household is eligible for rent-geared-to-income assistance.
3. If the unit has been modified to improve accessibility but the specified supportive housing provider does not provide provincially-funded support services in respect of the unit, the specified supportive housing provider shall offer the unit to the highest ranked household on its own waiting list that requires the accessibility modifications of the unit, whether or not the household is eligible for rent-geared-to-income assistance. O. Reg. 339/01, s. 16 (1).

In other words:

- If a unit has been modified and support services are provided, then the top-ranked household that needs both the specific modifications and support services available must be offered the unit.
- If a unit has support services associated with it, then the top-ranked household that needs the specific support services must be offered the unit.
- If a unit has been modified for accessibility, then the top-ranked household that needs the specific modifications must be offered the unit.

Subsection 16 (3) further specifies how to pick another household from the waiting list if one top-ranked household refuses the offer.

**O. Reg. 339/01, s. 16.**

(3) If the highest ranked household to whom a supportive housing provider offers the unit under subsection (1) or (2) does not accept the unit, the supportive housing provider shall offer the unit to other households on the same waiting list who would otherwise qualify for the unit, starting with the next highest ranked household and continuing in the order in which the households are ranked on the waiting list until an offer is accepted by a household. O. Reg. 339/01, s. 16 (3).

Subsection 16 (4) clarifies that a specified housing provider in subsection (1) is a supportive housing provider if it is listed in Table 2 of O. Reg. 298/01. These are the same housing providers that are prescribed as supportive housing providers in O. Reg. 456/01.

**O. Reg. 339/01, s. 16.**

(4) In subsections (1) and (2), a supportive housing provider is a specified supportive housing provider in respect of a housing project if,

- (a) a lead agency is not designated with respect to the supportive housing provider's special needs housing in the housing project; and
- (b) the supportive housing provider is listed in Column 2 of Table 2 of Ontario Regulation 298/01 opposite the name of the service manager for the service area in which the housing project is located. O. Reg. 339/01, s. 16 (4).

The rules about a housing provider's selection of households in sections 17 to 20 of O. Reg. 339/01 apply to households on the special needs waiting list in the same way that it applies to rent-geared-to-income households. There are a couple of these provisions that are specific to special needs housing (clause 18(1)(f) and subsection 18(2)).

**O. Reg. 339/01**

**Refusal to offer**

**18.** (1) Despite sections 14 and 16 and any rules referred to in section 15, a housing provider may refuse to offer a unit to a household if,

- (a) selection of the household would be contrary to its mandate;
- (b) the housing provider has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfill the obligation to pay rent for the unit in the amount and at the times it is due;
- (c) the household does not agree to accept its responsibilities as a member of the housing provider, if the housing provider is a non-profit housing co-operative, or the housing provider has reasonable grounds to believe that the household will not accept or will be unable to accept those responsibilities;
- (d) in the case of a unit in which individuals will reside in a shared living situation, the housing provider has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation;
- (e) the housing provider has reasonable grounds to believe that the unit is not suitable for the household due to the physical characteristics of the unit in relation to the number, gender and ages of the members of the household; or
- (f) in the case of special needs housing, the level of service required by the household is significantly greater or significantly less than the level of service provided to a household in the unit. O. Reg. 339/01, s. 18 (1).

(2) Despite sections 14 and 16 and any rules referred to in section 15, a housing provider shall refuse to offer special needs housing to a household if the household is not eligible under section 19 of Ontario Regulation 298/01 for special needs housing. O. Reg. 339/01, s. 18 (2).

## 5.6 Summary

A supportive housing provider:

- Must adopt policies and procedures for a special need housing waiting list consistent with section 45 of O. Reg. 298/01 and with its mandate and targeting plan.
- Must provide a copy of the policies and procedures described in clause (a) of subsection 13 (1) of O. Reg. 339/01, in written or electronic format, to the service manager within 6 months after the termination of its operating agreement. (The housing provider's operating agreement is terminated on the date that the administration of the supportive housing project is transferred to the service manager).
- Must accept applications for special needs housing from households who require the type of special needs housing available in the housing project, whether the household requires a market unit or rent-geared-to-income.
- Must not impose a charge for accepting or processing an application for special needs housing.
- Must add a household to the waiting list once eligibility for special needs housing has been determined.
- Must remove a household from a waiting list for special needs housing if it requests to be removed or it ceases to be eligible for special needs housing.
- Must remove a household from the waiting list if the household has accepted an offer of special needs housing.
- Must accept applications from households applying to be included in the in the special priority household category on the special needs waiting list, following the rules in section 24 of O. Reg. 298/01.
- Must determine whether a households is eligible to be placed in the special priority household category on the waiting list, following the rules in section 25 of O. Reg. 298/01
- Must rank households on the waiting list for special needs housing, according to the rules in section 45 of O. Reg. 298/01
- Must offer vacant special needs housing units to households on their special needs housing waiting list that require the specific accessibility modifications or provincially-funded support services that are available in the unit, following the rules in section 16 of O. Reg. 339/01.

## 6 Decisions, Internal Reviews and Notices

### 6.1 Opportunity to Comment

Section 80 of the Act requires that a household be given an opportunity to comment on information that will be used to make a decision about ineligibility for special needs housing.

***Social Housing Reform Act, 2000***

**Opportunity to comment**

**80.** Before a service manager, supportive housing provider or lead agency makes a decision that is adverse to a household and that may be reviewed under section 82, it shall, subject to such restrictions and requirements as may be prescribed, give the members of the household an opportunity to comment on any information that, in the opinion of the decision-maker, may form a significant basis for the decision. SHRA 2000, c. 27, s. 80.

Before a negative decision is made, a household must be given an opportunity to comment on information that, in the opinion of the supportive housing provider, may form a significant basis for the decision.

**O. Reg. 298/01**

**Opportunity to comment, section 80 of the Act**

**55.** (1) This section prescribes the restrictions and requirements that apply with respect to giving members of a household an opportunity to comment, under section 80 of the Act, on information that may form a significant basis for a decision. O. Reg. 298/01, s. 55 (1).

This opportunity to comment on information is provided before the decision is finalized, and therefore occurs before the household is notified of the decision or any internal review takes place. (See section 6.2 below on internal reviews for the types of decisions that may be reviewed).

The supportive housing provider that makes the decision as to whether a specific item of information may form a significant basis for the decision and is therefore subject to the opportunity to comment.

Subsection 55 (1.1) of O. Reg. 298/01 makes an exception such that the supportive housing provider is not required to give a member of a household an opportunity to comment on information that the member provides to them within 30 days before the supportive housing provider makes a decision.

**O. Reg. 298/01**

**55. (1.1)** A service manager, supportive housing provider or lead agency is not required to give a member of a household an opportunity to comment on information that the member provides to the service manager, supportive housing provider or lead agency, as the case may be, within 30 days before the service manager, supportive housing provider or lead agency, as the case may be, makes a decision that is adverse to a household and that may be reviewed under section 82 of the Act. O. Reg. 452/01, s. 3.

### **6.1.1 Notice of Opportunity to Comment**

**O. Reg. 298/01, s. 55.**

(2) A service manager, supportive housing provider or lead agency that is required to give members of a household an opportunity to comment shall give the household a notice of that opportunity. O. Reg. 298/01, s. 55 (2).

(3) The notice referred to in subsection (2) must contain the following:

1. A summary of the information.
2. A description of the proposed decision.
3. A statement that any member of the household may comment on the information.
4. A date that, unless the members of the household waive their right to comment earlier, will be the last date comments may be received. O. Reg. 298/01, s. 55 (3).

The notice if an opportunity to comment must be in writing, describing the information and the proposed decision and specifying the date by which comments must be made. However, if a member of the household provided the information within 30 days prior to the decision, an opportunity to comment on the information is not required.

## 6.1.2 Comments

**O. Reg. 298/01, s. 55.**

(4) The date referred to in paragraph 4 of subsection (3) must be set so that it is at least 30 days after the date the notice is given. O. Reg. 298/01, s. 55 (4).

(5) Comments must be in writing and must be signed by the individual or individuals providing the comments. O. Reg. 298/01, s. 55 (5).

(6) Comments must be received before the date referred to in paragraph 4 of subsection (3) or, if all members of the household submit to the service manager written waivers of their right to make comments or additional comments, before the day the last of the waivers is received. O. Reg. 298/01, s. 55 (6).

The supportive housing provider must allow the members of the household at least 30 days to comment.

Comments from the household must be in writing and must be signed by each individual providing the comments.

The written comments must be received from the household by the date specified in the notice. If all members of the household decide to submit written waivers of their right comment or to provide additional comments, any written comment must be received before the supportive housing provider receives the last waiver.

## 6.1.3 Only One Opportunity to Comment

**O. Reg. 298/01, s. 55.**

(8) Individuals who have been given an opportunity to comment are not entitled to an additional opportunity to comment even if the decision that is made after any comments are considered is different from the decision that was proposed. O. Reg. 298/01, s. 55 (8).

Each household member is given an opportunity to comment only once, even if the final decision made is different from what was initially proposed.

## 6.2 Internal reviews

### 6.2.1 Decisions that may be reviewed

The Act allows a household to request an internal review of certain types of decisions about eligibility and waiting lists for special needs housing.

#### ***Social Housing Reform Act, 2000***

##### **Internal review**

**82.** (1) A member of a household may request an internal review of any of the following decisions of a service manager, supportive housing provider or lead agency:

1. A decision that the household is ineligible for rent-geared-to-income assistance.
2. A decision that the household is ineligible for special needs housing.
3. A decision respecting the type of accommodation in which the household may be accommodated.
4. A decision respecting the category into which the household has been placed on a waiting list.
5. A decision respecting the amount of geared-to-income rent payable by the household.
6. A decision respecting a deferral of geared-to-income rent payable by the household. SHRA 2000, c. 2, s. 82 (1).

##### **Request for internal review**

(2) The request for an internal review must be made in accordance with such requirements as may be prescribed or, if none are prescribed, in accordance with such requirements as may be established by the service manager, supportive housing provider or lead agency. SHRA 2000, c. 27, s. 82 (2).

## 6.2.2 Notice of Decisions that may be Reviewed

The Act requires that if a decision is of a type that may be reviewed a household must be notified of their right to request a review and must be informed about how to make the request and about the deadline for making the request.

### ***Social Housing Reform Act, 2000***

#### **Notice to household**

**81.** (1) When giving a household notice of a decision that may be reviewed under section 82, the service manager, supportive housing provider or lead agency shall tell the household that any member of the household is entitled to request a review, and shall include information on how to make such a request and the deadline for doing so. SHRA 2000, c. 27, s. 81 (1).

#### **Notice to housing provider**

(2) The service manager or lead agency shall notify the housing provider of any decision that may affect the housing provider and that may be reviewed under section 82 and of the review process available to members of a household in respect of the decision. SHRA 2000, c. 27, s. 81 (2).

#### **Same**

(3) If a member of a household requests a review under section 82 of a decision that may affect a housing provider, the service manager or lead agency shall notify the housing provider of the details of the request. SHRA 2000, c. 27, s. 81 (3).

Section 56 of O. Reg. 298/01 prescribes how these notices must be given.

### **O. Reg. 298/01**

#### **Notices of decisions**

**56.** (1) This section prescribes the restrictions and requirements for written notices required under the following provisions of the Act:

1. Subsection 66 (5) (eligibility for assistance).
2. Subsection 67 (4) (type of accommodation).
3. Subsection 68 (4) (category).
4. Subsection 68 (6) (waiting lists for units).
5. Subsection 69 (3) (amount of geared-to-income rent).
6. Subsection 70 (4) (deferral of rent).
7. Subsection 72 (5) (eligibility for special needs housing).
8. Subsection 73 (4) (type of accommodation).
9. Subsection 74 (5) (waiting lists for special needs housing). O. Reg. 298/01, s. 56 (1).

(2) A notice must contain the following:

1. A statement of the date the decision to which the notice relates was made.
2. If members of the household were given an opportunity to comment under section 80 of the Act before the decision was made,
  - i. a statement of the date the notice under subsection 55 (2) was given,
  - ii. a statement of the date before which any comments must have been received, and
  - iii. a statement of which members of the household provided comments.
3. If a member of the household may request an internal review of the decision under section 82 of the Act,
  - i. a statement of the reasons for the decision,
  - ii. a statement that the member of the household is entitled to request a review, and
  - iii. information on how to request a review and what the deadline is for doing so.
4. If no member of the household may request an internal review of the decision under section 82 of the Act, a statement that the decision is final and that an internal review may not be requested. O. Reg. 298/01, s. 56 (2).

(3) A notice must be given within seven business days after the decision to which the notice relates is made. O. Reg. 298/01, s. 56 (3).

## 6.2.3 Requests for Internal Reviews

Section 57 of O. Reg. 298/01 specifies how a household must make a request for an internal review.

### **O. Reg. 298/01**

#### **Requests for internal reviews**

**57.** (1) This section prescribes the requirements relating to requests for internal reviews under section 82 of the Act. O. Reg. 298/01, s. 57 (1).

(2) A request must be in writing. O. Reg. 298/01, s. 57 (2).

(3) A request for an internal review of a decision must be given to the service manager, supportive housing provider or lead agency that made the decision. O. Reg. 298/01, s. 57 (3).

### **When a request must be received**

#### **O. Reg. 298/01, s. 57.**

(4) A request by a member of a household for an internal review of a decision must be received by the service manager, supportive housing provider or lead agency within 10 business days after the day the notice of the decision is received by the member of the household. O. Reg. 298/01, s. 57 (4); O. Reg. 409/01, s. 11.

(5) The service manager, supportive housing provider or lead agency that made a decision may extend the time for giving a request for a review if the service manager, supportive housing provider or lead agency is satisfied that the member of the household acted in good faith and was unable to comply with subsection (4) because of absence, accident, illness or some other reason beyond the member's control. O. Reg. 298/01, s. 57 (5).

The request must be received within 10 business days after the household receives the notice of the decision.

The supportive housing provider that made the decision may extend the time for giving a request for a review if the provider is satisfied that the household member acted in good faith and was unable to comply with the deadline date because of a reason beyond the household member's control.

## Request to review a decision about special priority

**O. Reg. 298/01, s. 57.**

(6) A request to review a decision with respect to a request for inclusion in the special priority household category may be given only by the individual who made request for inclusion. O. Reg. 298/01, s. 57(6).

## Withdrawing a request for review

**O. Reg. 298/01, s. 57.**

(8) An individual may withdraw their request to review a decision by giving written notice of the withdrawal to the service manager, supportive housing provider or lead agency to which the request was given but such a withdrawal is not effective if it is received after the review is completed. O. Reg. 298/01, s. 57 (8).

## 6.2.4 Conducting Internal Reviews

Section 83 of the Act addresses the conduct of internal reviews.

***Social Housing Reform Act, 2000***

**Conduct of review**

**83.** (1) An internal review must be conducted in accordance with such requirements as may be prescribed. SHRA 2000 c. 27, s. 83 (1).

**Same**

(2) The *Statutory Powers Procedure Act* does not apply to an internal review. SHRA 2000, c. 27, s. 83 (2).

The rules for conducting internal review are prescribed in section 58 of O. Reg. 298/01. These rules are the only rules that apply. The *Statutory Powers Procedure Act* does not apply.

## **O. Reg. 298/01**

### **Conduct of internal reviews**

**58.** (1) This section prescribes requirements for the conduct of an internal review by a service manager, supportive housing provider or lead agency. O. Reg. 298/01, s. 58 (1).

(2) No individual who participated in the making of the decision being reviewed shall participate in the review of that decision. O. Reg. 298/01, s. 58 (2).

(3) The review shall be completed within 10 business days after the request for the review is received. O. Reg. 298/01, s. 58 (3); O. Reg. 409/01, s. 12.

(4) The review shall be completed within five business days after the request for the review is received if,

- (a) the decision is with respect to a request for inclusion in the special priority household category; or
- (b) the decision is with respect to an application for rent-geared-to-income assistance with which a request for inclusion in the special priority household category was made. O. Reg. 298/01, s. 58 (4).

(5) The individual or individuals conducting the review may substitute their decision for the decision being reviewed. O. Reg. 298/01, s. 58 (5).

(6) The service manager, supportive housing provider or lead agency shall give written notice of the result of the review to the individuals who requested it within five business days after the review is completed. O. Reg. 298/01, s. 58 (6).

## **6.3 Notices**

Section 59 of O. Reg. 298/01 prescribes rules about how notices are to be given to a household.

## **O. Reg. 298/01**

### **General rules for notices**

**59.** (1) This section applies with respect to notices under this Regulation and under Part V of the Act. O. Reg. 298/01, s. 59 (1).

(2) Unless otherwise provided, a notice to be given to a household shall be given to all the members of the household who are 16 years old or older. O. Reg. 298/01, s. 59 (2).

- (3) A notice may be given to a person by,
- (a) giving the notice directly to the person;
  - (b) leaving the notice at the last known address of the person, either in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older; or
  - (c) mailing the notice to the person to the last known address of the person. O. Reg. 298/01, s. 59 (3).

Unless the circumstances outlined in subsections 59 (5) and (6) are met, notice must be given to all members of the household who are 16 years old or older.

**O. Reg. 298/01, s. 59.**

(5) A notice that is to be given to more than one member of the same household may be given by giving a single notice, addressed to all the members of the household, to any member of the household in accordance with subsection (3). O. Reg. 298/01, s. 59 (5).

(6) If the person giving a notice to a household knows of more than one address at which members of the household live, the following apply:

1. Subsection (5) does not apply.
2. A notice to the household may be given, under clause (3) (b) or (c), by giving one notice, addressed to all the members of the household, at each of the known addresses. O. Reg. 298/01, s. 59 (6).

In other words, a single notice may be given to household members that live at the same address, provided that it is addressed to all of the members that live at that address.

O. Reg. 298/01 also defines when a notice is given or received

**O. Reg. 298/01, s. 59.**

- (4) For the purposes of this Regulation, a notice,
- (a) shall be deemed to have been given on the day it is given under clause (3) (a), left under clause (3) (b) or mailed under clause (3) (c); and
  - (b) shall be deemed to have been received on the day it is given under clause (3) (a), on the first business day after it is left under clause (3) (b) or on the fifth business day after it is mailed under clause (3) (c). O. Reg. 298/01, s. 59 (4).

## 6.4 When a Decision Takes Effect

The Act specifies when decisions take effect and decisions are considered final.

### ***Social Housing Reform Act, 2000***

#### **When decision takes effect**

**84.** (1) A decision by a service manager under section 66, 67, 68, 69, 72, 73 or 74 or a decision of a supportive housing provider or lead agency under section 72, 73 or 74 is effective from the date specified by the service manager, supportive housing provider or lead agency, whether that date is before, on or after the date the decision was made. SHRA 2000, c. 27, s. 84 (1).

#### **When non-reviewable decision is final**

(2) A decision that is not reviewable by an internal review is final when it is made. SHRA 2000, c. 27, s. 84 (2).

#### **When reviewable decision is final**

(3) A decision that is reviewable by an internal review is final when the prescribed period for requesting the internal review expires, if no internal review is requested within that period. SHRA 2000, c. 27, s. 84 (3).

#### **When reviewer's decision is final**

(4) A decision of a person conducting an internal review is final when it is made. SHRA 2000, c. 27, s. 84 (4).

If a decision is subject to internal review, it is not considered final until either:

- the period for requesting has expired without a request being made for a review, or
- the internal review decision has been made (if an internal review has been requested).

Once the decision is final, it takes effect on the date specified by the supportive housing provider. The date the decision takes effect may be earlier than, later than or the same as the date the decision is considered final.

## 7. Duty to Provide Information

**12.1** It is the duty of a service manager, supportive housing provider or lead agency to provide a copy of the information described in subsection 60 (1) of Ontario Regulation 298/01 to a household applying for **special needs** housing. O. Reg. 181/02, s. 2.

As prescribed by O. Reg. 339/01 (s. 12.1), a supportive housing provider must make the information specified in subsection 60 (1) of O. Reg. 298/01 available to any applicant who is seeking either a modified unit or provincially-funded supportive accommodation.

The following information must be available for each applicant for special needs housing:

1. The housing projects within the service manager's service area and the housing providers that operate them.
2. How to apply for rent-geared-to-income assistance.
3. The eligibility criteria for rent-geared-to-income assistance.
4. The requirements to be included in the special priority household category.
5. The provincial and local occupancy standards in force within the service manager's service area.
6. The requirements relating to waiting lists.
7. The geographic areas into which the service manager has divided its service area for the purposes of its centralized waiting list.
8. The rules and procedures in respect of the transfer of households to a unit in a housing project operated by a different housing provider.
9. The type of decisions of the service manager that are subject to internal review.
- 9.1 The rules and procedures of the service manager in respect of the internal review of decisions.
- 9.2 The rules and procedures of the service manager in respect of the opportunity for members of the household to comment on information that may form a significant basis for a decision that is adverse to the household.
10. The alternative housing providers that provide housing within the service manager's service area to homeless or hard to house households.
11. The criteria to be met for accommodation in a unit provided by the alternative housing providers under their mandates to provide housing to homeless or hard to house households.
12. The mandates, established under section 99 of the Act, of each housing provider that operates a housing project within their service manager's service area.
13. The housing projects within the service manager's service area that provide special needs housing and the supportive housing providers that operate them.

14. How to apply for special needs housing.
15. The eligibility criteria for special need housing.
16. The services offered by each supportive housing provider.
17. The nature of the special needs housing provided by each supportive housing provider.
18. The type of decisions of supportive housing providers that are subject to internal review.
19. The rules and procedures of supportive housing providers in respect of the internal review of decisions.

## 8. Definitions

The following are terms used in this guide that are defined in the *Social Housing Reform Act, 2000* or its regulations.

"**business day**" means a day from Monday to Friday, other than a holiday;

"**centralized waiting list**" means the waiting list established under section 35 of O. Reg. 298/01;

"**community health care worker**" means an individual employed by a community health centre to provide health and health promotion education and information and to administer health and health promotion programs;

"**decision-maker**" means the service manager, supportive housing provider or lead agency to which a household applies for special needs housing under subsection 71 (1) of the Act.;

"**household**" means an individual who lives alone or two or more individuals who live together;

"**housing project**" means all or part of the residential accommodation, including facilities used for ancillary purposes, located in one or more buildings used in whole or in part for residential accommodation;

"**housing provider**" means a person who operates a housing project;

"**lead agency**" means a lead agency designated under section 88 of the Act;

"**market unit**" means a unit that is in a housing project and that is not a rent-geared-to-income unit;

"**Minister**" means the Minister of Municipal Affairs and Housing or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*;

"**Ministry**" means the ministry of the Minister;

"**modified unit**" means a unit that has been modified so as to be accessible to an individual with a physical disability or so as to allow an individual with a physical disability to live independently;

"**non-profit housing co-operative**" means a non-profit housing co-operative under the *Co-operative Corporations Act*

"**operating agreement**" means an agreement, a memorandum of understanding, a letter of commitment or any combination of them, whether oral, written or in part oral and in part written, entered into before this section comes into force between a housing provider and one or more of the Crown in right of Ontario, the Crown in right of Canada, the Minister, the Ministry, a minister or ministry of the Crown in right of Canada, the Ontario Housing Corporation, Canada Mortgage and Housing Corporation, a local housing authority, an agent of the Crown in right of Ontario and an agent of the Crown in right of Canada under which funding is provided to the housing provider with respect to a housing project under a housing program;

"**person**" means an individual, a corporation, the Crown, a municipality, an agency, a board, a commission or any other entity;

"**regulations**" means regulations made under this Act;

**"rent-geared-to-income assistance"** means financial assistance provided in respect of a household under a housing program to reduce the amount the household must otherwise pay to occupy a unit in a housing project;

**"rent-geared-to-income unit"** means a unit in a housing project that either is occupied by a household receiving rent-geared-to-income assistance or is available for occupancy by a household eligible for rent-geared-to-income assistance;

**"rent supplement agreement"** means an operating agreement under a rent supplement program established by the Minister;

**"service area"** in relation to a service manager, means the geographic area specified as the service area of that service manager under subsection 4 (2) of the *Act*;

**"service manager"** means a municipality, agency, board or commission designated as a service manager under subsection 4 (1) of the *Act*;

**"special needs housing"** means a unit that is occupied by or is made available for occupancy by a household having one or more individuals who require accessibility modifications or provincially-funded support services in order to live independently in the community;

**"supportive housing provider"** means a housing provider providing special needs housing in a housing project operated by it;

**"transferred housing program"** in relation to a service manager, means a housing program for which responsibility has been transferred to the service manager under section 10 of the *Act*, and in respect of which the transfer has taken effect;

**"transferred housing project"** in relation to a service manager, means a housing project that is subject to a transferred housing program and that has been prescribed for the purposes of section 10 of the *Act*;

**"unit"** means a unit intended for use as residential accommodation in a housing project.

# APPENDIX 1 – O. Reg. 456/01

## Social Housing Reform Act, 2000 Loi de 2000 sur la réforme du logement social

### ONTARIO REGULATION 456/01

#### *No Amendments*

#### SUPPORTIVE HOUSING PROVIDERS — SECTION 64 OF THE ACT

*This Regulation is made in English only.*

#### SUPPORTIVE HOUSING PROVIDERS

1. For the purposes of paragraph 2 of section 64 of the Act, if a lead agency is not designated under section 88 of the Act for a service area of a service manager set out in Column 1 of the Table to this Regulation, the provisions listed in section 64 of the Act apply to the supportive housing providers set out opposite the service manager in Column 2 of the Table as of the date set out opposite the service manager in Column 3 of the Table. O. Reg. 456/01, s. 1.

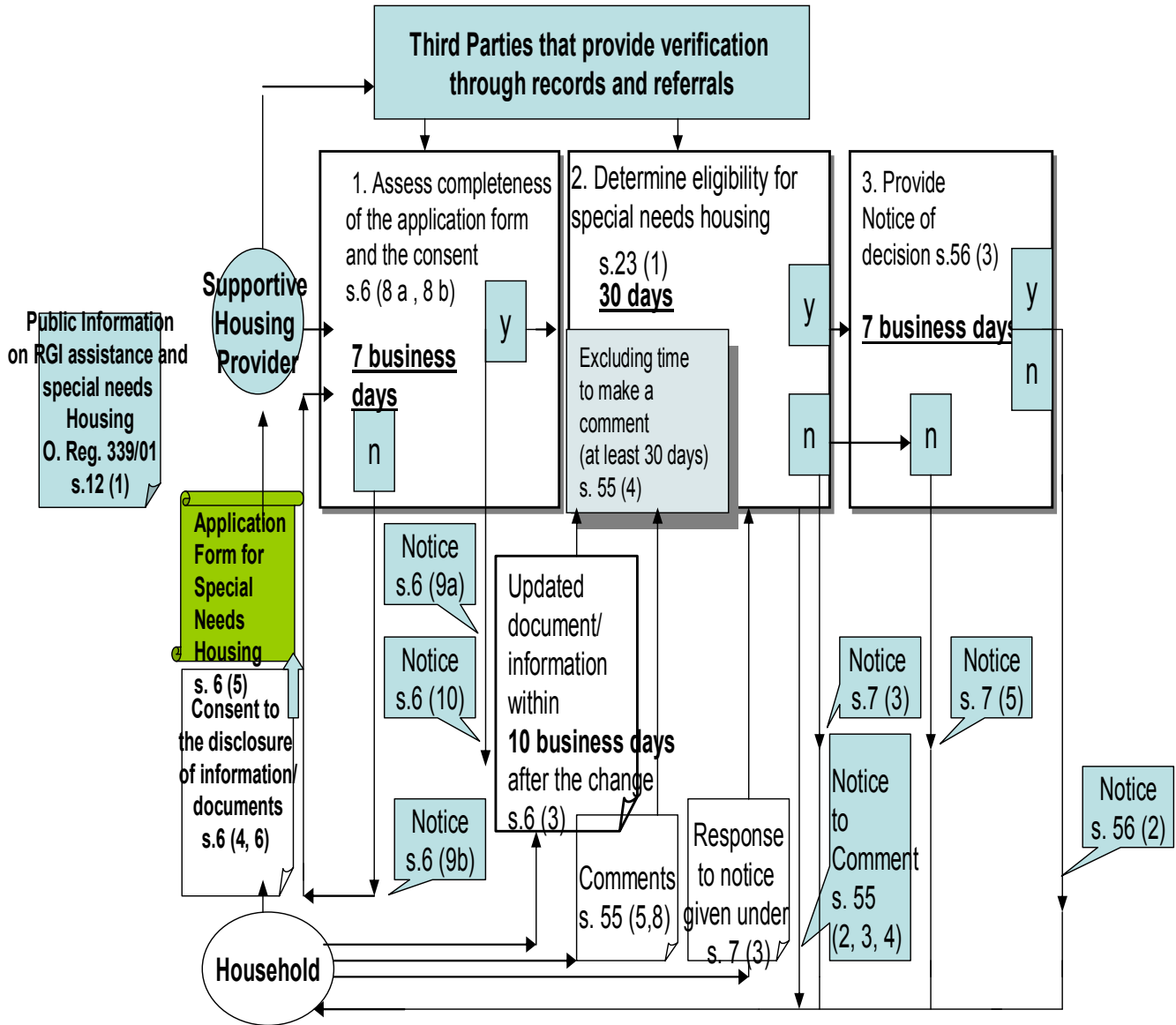
#### TABLE

#### SUPPORTIVE HOUSING PROVIDERS

COLUMN 1	COLUMN 2	COLUMN 3
Service Manager	Supportive Housing Providers	Effective Date
City of Kingston	1. Bridge House (Kingston) Incorporated	October 1, 2001
	2. Kingston Co-operative Homes Inc.	October 1, 2001
	3. Kingston & Frontenac Housing Corporation	October 1, 2001
	4. Kingston Home Base Non-Profit Housing Inc.	October 1, 2001
	5. Kingston Municipal Non-Profit Housing Corporation	October 1, 2001
	6. Lois Miller Co-operative Homes Inc.	October 1, 2001
	7. Loughborough Housing Corporation	October 1, 2001
	8. North Frontenac Non-Profit Housing Corporation	October 1, 2001
	9. Porto Village Non-Profit Homes Inc.	October 1, 2001
	10. Royal Canadian Legion Villa Kingston	October 1, 2001
	11. St. Andrew-Thomas Senior Citizen Residences Inc.	October 1, 2001
	12. The Elizabeth Fry Society of Kingston	October 1, 2001
	13. Weller Arms Non-Profit Homes Inc.	October 1, 2001

Note reg 85/02 amended to 182/02

# Application Process for Special Needs Housing



The City of Kingston, Housing Division

## APPENDIX 2