



DIRECTIVE# 2011- 02

Date: November 4, 2011

The policies, procedures and service manager requirements in this Directive are to be implemented by all housing providers in the Region of Durham included under the provisions of the Social Housing Reform Act and its associated Regulations.

Please note: This form is to be used by all Private Non-Profit Housing Corporations, Municipal Non-Profit Housing Corporations, and Co-operative Housing Corporations, and applies to all groups who are subject to benchmarks. If your housing corporation is not covered by the Social Housing Reform Act, this Directive is for information purposes only.

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SUBJECT

Housing Services Act

BACKGROUND

On January 1, 2012, the new *Housing Services Act* (HSA) will replace the *Social Housing Reform Act* as the legislation guiding the administration of transferred social housing programs in Ontario.

Much of the detail of the HSA is set out in the regulations. These also come into effect on January 1, 2012.

The HSA and its regulations give service managers and housing providers greater flexibility in administering RGI assistance and social housing programs. This includes the development of new local rules and standards by the service manager. RGI calculations, the funding formula and annual reporting requirements are currently unchanged.

Over the coming months, the Region of Durham will be developing local rules and standards under the HSA. **Until these are finalized, housing providers are to continue following current directives and practices as developed and set out under the *Social Housing Reform Act* - unless otherwise indicated.**

There are three notable exceptions. Effective January 1, 2012, housing providers should ensure that they are following the new regulatory requirements regarding overhoused households, pursuit of income, and opportunities to comment.

*"Service Excellence
for our Communities"*

ACTION REQUIRED

Housing providers should familiarize themselves with the new requirements of the *Housing Services Act*, including changes that should be in place for January 1, 2012.

The Housing Services Division and the Financial Housing Services Division will be issuing future direction regarding HSA changes throughout 2012. **Until these are finalized, housing providers are to continue following current directives and practices as developed and set out under the *Social Housing Reform Act* - unless otherwise indicated.**

Immediate Action

Forms and Leases

- Housing providers should review Annual Review forms, leases and any other RGI related forms that they have developed and replace any references to the *Social Housing Reform Act* with appropriate references to the *Housing Services Act*.
- Housing Services has updated the RGI Application, Regional Consent form, Special Priority Application package and Regional Review Request form to reference the *Housing Services Act*.
- Revised forms will be available on the Region's website at www.durham.ca beginning January 1, 2012.

Housing Provider Plans

- Housing providers are required to have plans regarding:
 - the training of staff and volunteers involved in the operation of the housing projects
 - succession strategies for the board
 - the education of members about the governance of housing co-operatives (co-operative housing providers only)
- Both the Ontario Non-Profit Housing Association (ONPHA) and the Co-operative Housing Federation (CHF) may be of assistance to housing providers in this regard.
- Housing providers will be required to provide these plans at their next Operational Review.

RGI Changes for January 1, 2012

Opportunity to Comment

- An Opportunity to Comment letter is no longer required prior to making an adverse decision based on third party information.
- Housing providers may now issue a notice of the decision without delay.
- Despite this change, housing providers should continue to ensure that these decisions are based on accurate and complete information, and that information from both the third party and the household is considered in making the decision.

Overhoused Households

- Overhoused households are not required to move to a smaller unit until they have been overhoused for more than a year.
- The process to move to a smaller unit remains the same.
- Housing providers should review their internal transfer lists, remove any households that have been overhoused for less than a year, and notify DASH of this change.
- Once a household has been overhoused for a year, they are to be added to the centralized waiting list for transfer.
- DASH will be undertaking a similar review, and housing providers will be notified if a household is removed from the centralized waiting list.

Pursuit of Income

- Households are no longer required to pursue Canada Pension Plan income or private pensions.
- Households may still be required to pursue Old Age Security payments and related supplements (OAS, GIS and GAINS), Ontario Works, Employment Insurance (EI), support payments, and sponsorship payments.

Proposed Future Changes

RGI Calculations

- The HSA was expected to introduce a new annual tax based system for the calculation of RGI.
- The proposed annual tax based system has not yet been developed.
- Until the Province develops the new annual tax based system, housing providers should continue to follow current practices in calculating RGI as set out in Ontario Regulation 298/01 and Regional Directives.

Reporting Requirements

- The funding formula and reporting requirements for the Annual Information Return (AIR) remain unchanged at this time.
- Under the HSA, the Region of Durham may also require additional reporting.
- Housing providers should follow current directives and procedures regarding the AIR and budget estimates.

Housing Provider Standards

- The service manager may set local standards for housing providers in the following areas:
 - conflicts of interest
 - minimum number of board meetings
 - remuneration of directors
 - property management and property management contracts
 - leases
 - multi-year financial plans
- Until these standards are established, housing providers should follow current directives and practices as established or set out under the *Social Housing Reform Act*.

HSA Regulations

- Housing providers should familiarize themselves with the *Housing Services Act* and its regulations.
- The *Housing Services Act* is available at the Ontario e-laws website at http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_11h06_e.htm.
- Housing providers can also view the new regulations at www.e-laws.gov.on.ca as follows:
 1. Ontario Regulation 367/11 – General
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110367_e.htm#BK124
 - Part VI - RGI assistance and special needs housing (excluding RGI calculations), and waiting lists
 - Part VII - Rules for transferred housing providers (most were previously set out in O. Reg. 339/01)
 - Part XI - Internal reviews and personal information
 2. Ontario Regulation 298/01 - Determination of Geared-to-Income Rent Under Section 50 of the Act
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_010298_e.htm
 - Transitional regulation setting out RGI calculations.
 3. Ontario Regulation 369/11 – Subsidies for Part VII Providers
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110369_e.htm
 4. Ontario Regulation 368/11 – Designated Housing Projects – Section 68 of the Act
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110368_e.htm
 5. Ontario Regulation 370/11– High Needs Household and Household Income Limits – Subsection 40 (4) of the Act
http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_110370_e.htm

If you have questions or concerns, please contact your Housing Co-ordinator.

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