



Durham Community Housing Directives
Housing Services Division | Financial Housing Services
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Subject:	Special Priority Status
Directive Number:	CWL 2019-03
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Purpose

To establish the requirements for Special Priority (SPP) status on the Durham Access to Housing (DASH) wait list for rent geared-to-income (RGI) and modified housing for victims of human trafficking and abuse.

Background

The Housing Services Act sets out provincial priorities rules for applicants on the wait list for rent-geared-to-income (RGI) and modified housing.

Eligible applicants for RGI and modified housing are generally placed on the Durham Access to Social Housing (DASH) wait list according to their date of application. Special Priority (SPP) applicants have priority over all other applicants on the wait list. SPP applicants are victims of human trafficking or abuse who meet specified requirements.

Eligible SPP applicants have priority for:

- RGI on the DASH wait list
- modified units on the DASH wait list
- transfer to a different RGI provider from the DASH wait list, over all other transfer requests living at the same property
- an internal transfer, over all other internal transfer requests on a housing provider's internal transfer list
- in-situ RGI, over all other in-situ RGI applicants for the same project.

SPP applicants are ranked within the SPP priority category according to the date that they applied for SPP.

All SPP applications are processed by DASH.

SPP Eligibility

An applicant may be eligible for SPP status if the applicant or another member of their household:

- is a current victim of human trafficking or was a victim within the three months preceding their application for SPP.
- is being abused by someone with whom they live and intends to separate permanently from them.
- lived with someone who was abusing them within the three months preceding their application for SPP and intends to separate permanently from them.
- is being abused by their immigration sponsor and intends to separate permanently from them.

Human Trafficking

Human trafficking means one or more incidents of recruitment, transportation, transfer, harbouring or receipt of a person for an illegal purpose, including sexual exploitation or forced labour. It is done by force, abduction, fraud, coercion, deception, repeated provision of a controlled substance, or other improper means.

Abuse

A person has been subject to abuse if they have experienced:

- physical or sexual violence
- controlling behavior
- intentional destruction of or intentional injury to their property
- words, actions or gestures that threaten them or lead them to fear for their safety.

In order to be eligible for SPP, the person being abused must have lived with the abusive person within the three months preceding the SPP application (see Co-residency below), and the abusive person must be:

- a relative
- an intimate partner or former intimate partner
- someone on whom the applicant is emotionally, physically or financially dependent

- someone who is emotionally, physically or financially dependent on the applicant
- an immigration sponsor.

The abusive person may be related (as noted above) to any member of the household, not just the person being abused.

Co-residency

In order to be eligible for SPP, the person being abused must be living with the abusive person or must have ceased living with the abusive person within three months of the application for SPP.

Proof of co-residency is required. This may be one or more types of documents showing that the person being abused and the abusive person share the same address. Documents must be dated within the last three months. Documents may include currently-dated leases, rent receipts, utility bills, landlord letters, government documents, home or tenant insurance documents, paystubs or employer statements.

SPP applicants receiving social assistance must provide proof of co-residency from Ontario Works or ODSP.

SPP applicants living in community housing must provide proof of co-residency from their community housing provider. The co-residency may or may not have been previously approved by the housing provider, but the provider must have been aware of it at the time to confirm co-residency.

Co-residency requirements do not apply to victims of human trafficking or if the abusive person is the immigration sponsor.

SPP Eligibility After Three Months

SPP applications must normally be made within three months of leaving human trafficking or an abusive situation. Applicants who apply after three months of separation must show evidence of current and ongoing abuse in order to be eligible for SPP (i.e. within the previous three months). In making its determination, DASH may also consider the following:

- the applicant was unaware that they could apply for SPP
- the applicant was unaware that they must apply for SPP within 3 months of separating from an abusive situation or leaving human trafficking
- the applicant is at risk of further abuse from the abusive person

- the applicant is at risk of resuming living with the abusive person due to financial hardship which could be alleviated by RGI
- the applicant is at risk of returning to human trafficking, including risk due to financial hardship which could be alleviated by RGI
- the applicant needs RGI to alleviate financial hardship arising from legal proceedings related to the previous abuse or human trafficking
- the applicant is attempting to use RGI as part of an overall program of recovery and re-establishment of a safe and normal life
- the applicant is living in an emergency shelter
- the applicant is living in temporary housing and receiving treatment or counselling
- there are any other extenuating circumstances

Eligibility and Receipt of Financial Housing Assistance

SPP applicants already receiving financial housing assistance may be placed on the DASH wait list with priority if they are:

- living in an RGI or modified unit in Durham and are requesting transfer to another housing provider
 - SPP transfer requests may also be considered for an expedited transfer outside the DASH wait list.
- living in an RGI or modified unit outside of Durham
- receiving a temporary rent supplement benefit or housing allowance, like the Durham Housing Benefit (DHB) or housing allowance issued through the Ministry of Finance
- receiving a municipal portable housing benefit in another service area and want to move to Durham.

SPP applicants receiving the provincial Portable Housing Benefit-Special Priority Status (PHB-SPP) for victims of domestic violence within or outside of Durham, are not eligible for priority on the DASH wait list.

Application Process

All applicants must complete the [SPP Application Package](#) to be considered for SPP status on the RGI or modified housing wait list. All SPP applications are processed by DASH.

The [SPP Application Package](#) consists of:

- Part A: Declaration of Human Trafficking or Abuse
- Part B: Proof of Co-Residency
- Part C: Verification Record and a letter of support

Part A: Declaration of Human Trafficking or Abuse

Part A: Declaration of Human Trafficking or Abuse is completed and signed by the applicant.

- Section 1 of this form is completed and signed by SPP applicants who have been victims of human trafficking.
- Section 2 is completed and signed by SPP applicants who want to separate from an abusive situation.

Part B: Proof of Co-Residency

Part B: Proof of Co-Residency is completed by SPP applicants who want to separate from an abusive situation. They must also attach proof of co-residency as outlined above (see Co-residency above).

SPP applicants do not need to complete Part B or provide proof of co-residency requirements if they are victims of human trafficking or if the abusive person is their immigration sponsor.

Part C: Verification Record

Part C: Verification Record is completed and signed by someone who can confirm the SPP applicant's declaration of human trafficking or abuse in Part A.

The person completing the Verification Record must also attach a letter of support. The letter is mandatory and must outline the instances of human trafficking or abuse and when these occurred. If the applicant is applying for SPP after three months of separation, the support letter must also set out the reasons for the delayed application and details of current and ongoing abuse – i.e. specific instances of abuse that occurred within the previous three months.

The person completing the Verification Record and support letter will normally be working in their professional capacity with the applicant around the issue of human trafficking or abuse. They must also have the Verification Record signed by a person who has the authority to bind their agency or organization, unless the SPP applicant is working with the verifier in their professional capacity as a:

- Registered social worker
- Registered social service worker
- Police officer or law enforcement officer
- Registered mental health therapist, psychotherapist or registered psychotherapist
- Registered nurse or registered practical nurse
- Registered early childhood educator
- Person in a managerial or administrative position with a housing provider
- Lawyer
- Doctor
- Minister of religion authorized under provincial law to perform marriages
- Teacher
- Guidance counsellor
- member of the College of Midwives of Ontario, or an aboriginal person who provides traditional midwifery services
- Indigenous Elder, Indigenous Traditional Person or Indigenous Knowledge Keeper.

If the SPP applicant is not working with a professional around the issue of human trafficking or abuse, they may have the Verification Record and support letter completed by someone else who is familiar with the human trafficking or abuse. In these circumstances, the Verification Record and support letter must also be accompanied by a declaration of the truth of the record administered by a commissioner for taking affidavits.

DASH will make all attempts to connect SPP applicants without supports to local partner agencies that will be able to support them around the issue of human trafficking or abuse while they are on the wait list and after they move into RGI or modified housing.

Limitation on Required Information

SPP applicants are not required to provide information pertaining to their SPP application or their application for RGI or modified housing if:

- DASH is satisfied that the applicant is unable to do so.
- The SPP applicant believes that they or another member of their household will be at risk of abuse if they attempt to obtain the information or documents.
- The information pertains to legal proceedings or potential legal proceedings against the abusive person or a person engaged in trafficking against the SPP applicant.

Timelines for the Determination of SPP Eligibility

DASH is responsible for determining SPP eligibility for all applicants. Eligible SPP applicants are ranked on the DASH wait list within the SPP priority category according to the date that they applied for SPP.

DASH will send the [SPP Application Package](#) directly to applicants if:

- The applicant requests an [SPP Application Package](#).
- The applicant indicates on their [Application for RGI or Modified Housing](#) form that they want to apply for SPP.
- A housing provider indicates on the [Transfer Application](#) form that the applicant wants to apply for SPP.
- A housing provider notifies DASH that a tenant or co-op member wants to apply for SPP.

If the SPP application is not returned or if supporting documentation is not provided within the timeframes specified by DASH, the applicant will be notified that they are not eligible for SPP and will be placed on the wait list for RGI or a modified unit without priority (as applicable). The notice will also set out what information is missing. If the information is subsequently provided within a reasonable time frame, DASH may overturn the SPP ineligibility decision and place the applicant on the wait list with SPP status according to their original date of application.

Within 14 days of receiving a completed [SPP Application Package](#), DASH staff will determine if the applicant is eligible for SPP and notify the applicant of the outcome of the SPP application, including their right to appeal.

All appeals will be conducted by the Regional Review Panel within 10 days of receiving the request, and the Panel will notify the SPP applicant of the outcome of the appeal within 5 days.

Internal Transfers, DASH Transfers and Expedited Transfers to Other Providers

An RGI or modified unit tenant or co-op member requesting an internal transfer, a DASH transfer or an expedited transfer to a different housing provider may also request SPP status.

Internal Transfers

If a tenant or co-op member requests SPP status for an internal transfer, and the housing provider intends to offer the next available unit to the tenant or co-op member regardless of their status, no SPP assessment is required. The housing provider must notify DASH that the tenant has requested an internal transfer with SPP status only if:

- There are other applicants on the housing provider's internal transfer list.
- The tenant or co-op member is only eligible for transfer under the housing provider's internal transfer policy if they are eligible for SPP.

To have DASH assess for SPP eligibility, the provider will notify DASH of the following:

- the RGI tenant or co-op member is on the internal transfer list
- the RGI tenant or co-op member is requesting SPP
- confirmation that the tenant or co-op member lived with the abusive person (which may or may not have been previously approved by the housing provider) or a statement that they cannot confirm co-residency
- the housing provider's understanding of the relationship of the tenant or co-op member to the abusive person.

Once notified of the request for internal transfer with SPP, DASH will send the [SPP Application Package](#) directly to the tenant or co-op member. DASH will assess SPP status and notify the tenant/co-op member and the housing provider of the outcome of the SPP application.

If the tenant or co-op member is granted SPP status, the housing provider must place them on their internal transfer list ahead of all applicants without SPP status. If the housing provider has more than one tenant or co-op member with SPP status requesting an internal transfer, they are ranked according to their date of application for SPP on the internal transfer list.

If the tenant or co-op member requests, the housing provider may complete Part C: Verification Record and the letter of support for the tenant or co-op member's application. In this case, the housing provider will also forward the [SPP Application Package](#) to DASH on the tenant or co-op member's behalf.

DASH Transfers

If a tenant or co-op member requests SPP status to transfer to another housing provider, this will be indicated this on the [Transfer Application](#) form that is sent to DASH. The provider will also include on the form:

- confirmation that the tenant or co-op member lived with the abusive person (which may or may not have been previously approved by the housing provider) or a statement that they cannot confirm co-residency
- the housing provider's understanding of the relationship of the tenant or co-op member to the abusive person.

Once received, DASH will send the [SPP Application Package](#) directly to the tenant or co-op member. If eligible, the tenant or co-op member will be placed on the DASH wait list with SPP status according to the date they applied for SPP.

Expedited Transfers to Other Housing Providers

DASH transfer applicants with SPP status have priority over expedited transfers. The Housing Services Division will confirm with DASH that there are no SPP transfer applicants requiring transfer out of the current provider before approving an expedited transfer. SPP transfer requests may also be considered for expedited transfer.

In-situ RGI Applicants

A tenant or co-op member requesting in-situ RGI may also request SPP status. If the tenant or co-op member is eligible for in-situ RGI and the housing provider will be granting RGI immediately, no SPP assessment is required. However, the housing provider must notify DASH that the tenant has requested in-situ RGI with SPP status if the tenant or co-op member:

- is eligible for immediate in-situ RGI and the housing provider has other in-situ applicants waiting for RGI
- does not meet the criteria to grant immediate in-situ RGI, but is otherwise RGI eligible and wants to be placed on the DASH wait list for a different unit.

Once notified, DASH will send the [SPP Application Package](#) directly to the tenant/co-op member. DASH will assess SPP status and notify the tenant/co-op member outcome of the SPP application.

If the tenant or co-op member is eligible for in-situ RGI, DASH will also notify the housing provider of the outcome of the SPP application. The Housing provider will place the in-situ RGI applicant on their internal wait list ahead of all other in-situ applicants without SPP status. If the housing provider has more than one in-situ applicant with SPP status, they are ranked according to their date of application for SPP on provider's wait list.

If the tenant or co-op member is not eligible for in-situ RGI, and DASH determines that they are eligible for SPP, they will be placed on the DASH wait list with SPP status according to the date they applied for SPP.

If the tenant or co-op member requests, the housing provider may complete Part C: Verification Record and the letter of support for the tenant or co-op member's application. In this case, the housing provider will also forward the [SPP Application Package](#) to DASH on the tenant/co-op member's behalf.

Removal of SPP Status

SPP applicants remain eligible for SPP unless:

- the SPP applicant adds the abusive person to their RGI or modified housing application
- the SPP applicant adds the person engaged in their trafficking to their RGI or modified housing application
- the abusive person is deceased
- all people engaged in the applicant's trafficking are deceased
- the applicant starts to receive a provincially-funded, permanent portable housing benefit – e.g. the Portable Housing Benefit-Special Priority Status (PHB-SPP)
- the applicant accepts an offer of RGI or modified housing outside of Durham Region
- the applicant accepts an offer of RGI or modified housing in Durham Region.

Confidentiality and Records

All SPP applicants will be asked to provide a safe mailing address, telephone number and email address, as well as alternate contact information for the sole purpose of leaving a message to have the SPP applicant contact DASH. DASH staff will ensure that the SPP applicants control how DASH and housing providers will be able to contact them safely.

Notices to SPP applicants will be provided only to the person who made the request for SPP.

Information provided to determine eligibility for SPP status will not be disclosed or used for any other purpose except to determine SPP eligibility.

Effective Date

This directive comes into effect on January 1, 2020.

Repealed Rules

This directive replaces Durham Social Housing Directive CWL 2018-02 Special Priority Status.

Legislative Authority

Ontario Regulation 367/11, s. 52-58.1, 78, 79