



Durham Social Housing Directives

Housing Services Division | Financial Housing Services
605 Rossland Rd E, Whitby L1N 6A3
905-668-7711 | 1-800-372-1102 | www.durham.ca

Subject:	Notice of Changes
Directive Number:	RGI 2012-04
Date:	September 20, 2012

Purpose

Establish minimum requirements for rent-gear-to-income (RGI) tenants, RGI co-op members and RGI applicants to give notice of changes to information pertaining to their RGI eligibility.

Background

Under the *Housing Services Act*, RGI tenants or RGI co-op members may be ineligible for RGI assistance if they fail to:

- give notice of a change to a document or to information previously provided to determine RGI eligibility
- provide information requested by the service manager/housing provider to determine RGI eligibility or the amount of RGI payable.

Durham Region may set timelines for notice of changes and provision of requested information.

Notice of Changes

RGI tenants and co-op members must report a change in income, assets and living situation to their housing provider **as soon as the change occurs**. Notice may be made verbally or in writing at the discretion of the housing provider.

Housing providers must ensure that references to change reporting on letters, annual review packages, leases, and housing agreements state that changes must be reported **as soon as they occur**.

RGI tenants and co-op member who fail to report a change at the time it occurs may be deemed ineligible for RGI assistance if the change remains unreported at the time of the next annual review.

Extenuating Circumstances

A housing providers may continue or reinstate RGI eligibility if it is satisfied that the change was not reported due to extenuating circumstances. This must be clearly documented on the RGI tenant or co-op member's file.

Alternative Providers

Alternative housing providers who serve the homeless or hard to house households may waive this reporting requirement at their discretion. The reasons for the waiver must be clearly documented in the tenant file.

Requests for Information

If a housing provider requests information or documentation from an RGI tenant or co-op member to determine RGI eligibility or the amount of RGI payable, it must give a clear deadline for submission of the information. Housing providers should normally give households at least 10 business days to submit the information. Housing providers may extend this deadline at any time.

RGI tenants or co-op members that do not submit requested information by the required deadline may be deemed ineligible for RGI assistance. Information may be requested verbally or in writing. However, before determining that an RGI tenant or co-op member is RGI ineligible for failure to provide requested information:

- the request must have been made in writing
- the written request must state that failure to provide the information may result in RGI ineligibility
- the RGI tenant or co-op member must have been given at least 10 business days to submit the information.

For example:

- On June 24, the housing provider makes a verbal request to submit a document by July 1 (5 business days).
- Document is not received by July 1.
- On July 2, the housing provider makes a written request for the same document to be submitted by July 12.
- Written request states that information was first requested on June 24, and that failure to provide the information by July 12 may result in RGI ineligibility.

- Note that the RGI tenant/co-op member has been given 13 business days to submit the document - 8 business days from time of written request plus 5 business days from the time of the earlier verbal request.
- Document is not received by July 12. Housing provider may deem the RGI tenant/co-op member RGI ineligible for failure to provide the requested information. The housing provider must give the RGI tenant/co-op member 90 days written notice of RGI ineligibility.

Waivers

A housing provider will waive the requirement that an RGI tenant or co-op member submit information or documents if the housing provider is satisfied that:

- the RGI tenant or co-op member is unable to do so
- it is inappropriate in the circumstances to require an RGI tenant of an alternative housing provider do so
- the RGI tenant or co-op member's personal safety may be at risk in doing so.

Reasons for any of the above waivers must be clearly documented on the RGI tenant or co-op member's file.

Extenuating Circumstances

At the discretion of the housing provider, the deadline for submission of information may be extended before or after the original due date has passed.

A housing provider may also continue or reinstate RGI eligibility if it is satisfied that information or documents were not submitted due to extenuating circumstances. This must be clearly documented on the RGI tenant or co-op member's file.

Retroactive Changes

Although an RGI tenant or co-op member may remain eligible when a change is not reported at the time it occurs, RGI may be retroactively recalculated in relation to the time of the change. If RGI is retroactively recalculated:

- **RGI decreases** are effective the first day of the month following the month in which the change occurred (e.g. a change that occurred on February 8 would take effect March 1)

- **RGI increases** are effective the first day of the second month following the month in which the change occurred (e.g. a change that occurred February 8 would take effect April 1).

RGI tenants and co-op members are not to be deemed retroactively ineligible for failure to provide requested information. If information is not received by the specified due date, housing providers should promptly follow up by either deeming the household ineligible on 90 days notice or extending the deadline for the submission of information.

RGI Increases of Less than \$10

Changes resulting in an RGI increase of less than \$10 are not implemented until the time of the annual review. They are not implemented retroactively even if the change was not reported at the time it occurred.

RGI Overpayment Recovery

When RGI is retroactively recalculated, the RGI subsidy may have been overpaid.

With the agreement of the RGI tenant or co-op member, housing providers should attempt to recover the overpayment separate from the ongoing RGI paid. The RGI tenant or co-op member may remit the entire amount owing or may enter into a repayment schedule with the provider.

If the RGI tenant or co-op member does not agree to the greater repayment, the housing providers may collect the amount owing by increasing the monthly rent or housing charge by 10% of the monthly RGI amount.

Although the original RGI increase may be implemented retroactively effective the first day of the second month following the change, the additional 10% increase takes effect on the first day of the second month following the notice of this increase.

For example:

- An RGI tenant or co-op member has an increase in income in January but does not notify the provider of the change until mid June. The change results in the RGI increasing from \$250 to \$300.
- The RGI is increased to \$300 effective March 1, resulting in a subsidy overpayment of \$200 (\$50 x 4 months). The RGI tenant/co-op member begins paying \$300 per month effective July 1.
- The housing provider gives notice to the RGI tenant/co-op member that the RGI charge will be increased by 10% to collect the overpayment. The RGI charge increases to \$330 effective August 1.

Administrative Errors

Overpayments resulting from an administrative error are not collected back from the RGI tenant or co-op member (e.g. if an RGI tenant or co-op member declares information on time and the housing provider does not implement the change in a timely manner).

Annual Reviews

Annual reviews are conducted every 12 months for RGI tenants and co-op members. At the time of annual review, the housing provider is required to review:

- continued eligibility for RGI assistance
- the amount RGI payable by the RGI tenant or co-op member.

RGI changes as a result of annual reviews come into effect based on the date that the housing provider gives notice of the change. RGI is adjusted as follows:

- **RGI decreases** are effective the first day of the month following the date of notice (e.g. a rent decrease notice issued May 10 would take effect June 1).
- **RGI increases** are effective the first day of the second month following the date of notice (e.g. a rent increase notice issued May 10 would take effect July 1).

Where the increase is greater than \$10 and should have been declared prior to the time of annual review, the housing provider may implement the change retroactively in relation to the time that the change occurred. (See Retroactive Changes above).

Applicants

RGI applicants must report changes to income, assets and living situation to Durham Access to Social Housing (DASH) no later than the following annual review.

DASH is not required to verify changes, but may do so at its discretion in order to accurately determine RGI eligibility.

Applicants who fail to respond to a request for information at the time of annual review may be determined RGI ineligible after 30 days and may be removed from the centralized waiting list. DASH must send written notice of the decision.

Repealed Rules

This directive replaces Directive 2002-04 Notification of Changes by Households Receiving RGI Assistance and Directive 2002-04.1 Notification of Changes by Applicants for RGI Assistance that were previously issued under the authority of the *Social Housing Reform Act*.

Legislative Authority

Housing Services Act, s. 42, 52(3), 56(2)
Ontario Regulation 367/11, s. 28, 29, 60, 64
Ontario Regulation 298/01, s. 52, 53