

# 2016 ONPHA Conference and Trade Show

**502**

## Housing Services Act 101

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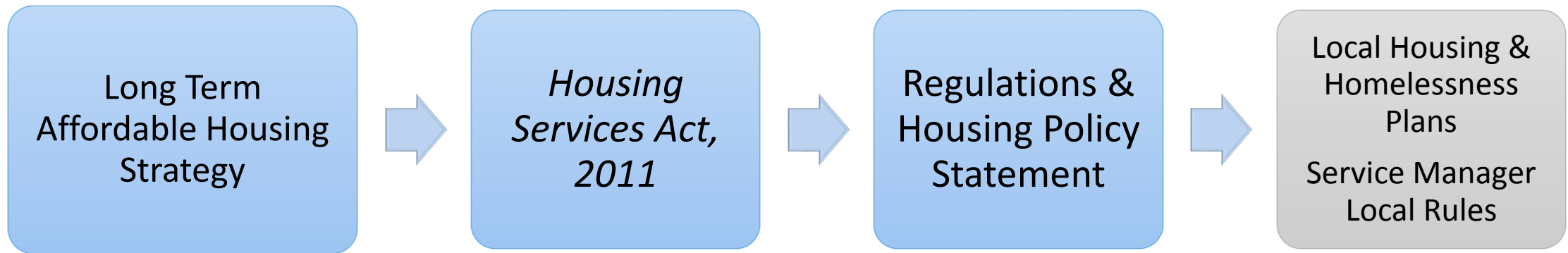


# What We Will Cover

- Overview of provincial framework
- What's in the Regulations
- Pros and cons
- How ONPHA can help



# Provincial Framework



# 2016 LTAHS Update

- The Long Term Affordable Housing Strategy (LTAHS) was launched in 2010.
- The updated vision for 2016:  
**Every person has an affordable, suitable and adequate home to provide the foundation to secure employment, raise a family and build strong communities.**
- Big changes may be coming



# 2016 LTAHS Update

- Portable housing benefits
- Supportive Housing Policy Framework
- Legislation for inclusionary zoning
- Long-term commitment to stable funding
- Simplified Rent-Geared-to-Income (RGI) calculations
- Indigenous housing strategy
- Ending homelessness



# *Housing Services Act, 2011*

# Purpose of the *Housing Services Act*

- ✓ provide for community-based planning and delivery of housing and homelessness services – subject to provincial oversight and direction
- ✓ provide flexibility for service managers and housing providers while retaining requirements with respect to housing programs that predate this Act



# Parts of the Act

1. Purpose and Interpretation
2. Provincial Policies and Local Plans
3. Powers and Duties of the Service Manager
4. Local Housing Corporations
5. Rent-Geared-to-Income and Special Needs Housing
6. General Rules for Transferred Housing Programs
7. General Rules for Part VII Housing Projects
8. Payment of Certain Housing Costs
9. Housing Services Corporation
10. Miscellaneous





# Overview of the HSA



Policy Area	
Purpose of Act	Framework for housing and homelessness services in Ontario, in addition to social housing administration
Provincial Interests	Sets out 10 provincial interests in the housing and homelessness system
Housing & Homelessness Plans	Service Managers must develop 10-year local housing and homelessness plans



# Key Changes in the *HSA*



Policy Area	
Triggering Events & Remedies for Projects in Difficulty	Lists triggering events. Some determined based on Service Manager opinion. Provides for some less intrusive remedies.
Ministerial Consents	Ministerial consent required for sale or transfer of assets, or to opt out of bulk purchasing through HSC. Service Manager consent required for other decisions (e.g. mortgages).



# HSA Regulations

# HSA Regulations Overview



Regulation	Title
<i>HSA</i> , 2011 - O. Reg <b>367/11</b>	General Regulation
<i>HSA</i> , 2011 - O. Reg <b>368/11</b>	List of Designated Housing Projects
<i>HSA</i> , 2011 - O. Reg <b>369/11</b>	Subsidies for Part VII Housing Projects
<i>HSA</i> , 2011 - O. Reg <b>370/11</b>	High Needs Households & Household Income Limits (HILs) Subsection 40 (4) of the Act
<i>HSA</i> , 2011 - O. Reg <b>298/01</b>	Determination of Geared-to-Income Rent Under Section 50 of the Act



# *HSA Regulations Overview*



- O. Reg 368/11 – List of Designated Housing Providers
- O. Reg 369/11 – Subsidies for Part VII Housing Providers
- O. Reg 370/11 – High Needs Households and Household Income Limits



# Rent-Geared-to-Income

# Rent-Geared-to-Income



## Important rules and where to find them

RGI calculation	O. Reg 298/01
Rent & utility scales	O. Reg 298/01
Minimum service levels	O. Reg 367/11, ss. 19-22
Provincial eligibility rules	O. Reg 367/11, s. 24
Ineligibility - removal order, amounts owed by household	O. Reg 367/11, ss. 25-26
Cessation of eligibility - 12 months of normal rent,	O. Reg 367/11, s. 30
Cessation of eligibility – failure to obtain income	O. Reg 367/11, s. 31
Cessation of eligibility – failure to divest residential property	O. Reg 367/11, s. 32
Local rule – maximum household income	O. Reg 367/11, s. 34



# Rent-Geared-to-Income



## Additional rules

System requirements – alternative housing provider	O. Reg 367/11, s. 49
Special priority policy	O. Reg 367/11, ss. 52-58
Review of continued eligibility	O. Reg 367/11, ss. 59-60
Notice of decisions	O. Reg 367/11, s. 61
Limit on required repayment	O. Reg 367/11, s. 64
Cessation of eligibility - failure to notify of changes	O. Reg 367/11, s. 28
Occupancy standards	O. Reg 367/11, s. 42
System for selecting waiting households	O. Reg 367/11, s. 45-49





# Rent-Geared-to-Income



Local Rules	
Local rule – maximum household assets	O. Reg 367/11, s. 35
Local rule – certain convictions	O. Reg 367/11, s. 36
Local rule – maximum absence from unit	O. Reg 367/11, s. 37
Local rule – refusal of offers	O. Reg 367/11, s. 39
Local rule – no residency requirement	O. Reg 367/11, s. 40
Local rule – no distinction based on duration of assistance	O. Reg 367/11, s. 41
Local rule – ceasing to meet occupancy standards	O. Reg 367/11, s. 38



General Regulation  
O. Reg 367/11:  
Other Key Areas

# Provincial Policies & Local Plans



- **Local Housing & Homelessness Plans (s. 3-5)**
  - Service Managers must develop 10-year plans, reviewed every 5 years
  - Service Managers must consult with public including housing providers
  - Plans approved by municipal council and reviewed by Minister for comment. Minister does not approve plans.
  - Plans were in place by January 1, 2014



# General Rules



- **Housing Provider Plans [s. 87]**

- Housing providers must develop and implement staff and volunteer training plans and a board of directors succession plan

- **Limits of local standards [s. 100]**

- Service Managers may create rules for housing providers regarding conflict of interest, minimum number of board meetings, remuneration of directors, property management, procurement of contracts, leases, and multi-year financial plans



# Mandatory Programs



- **Capital Reserve [s. 98] & Insurance [s. 99]**
  - Requires designated housing projects to maintain a capital reserve, and to participate in mandated Housing Services Corporation (HSC) programs related to capital reserves
  - Housing providers must insure their housing projects.



# Targets



- **Targets [s. 101]**
  - Service Manager may not change housing project targets if it would result in more than a 10% change to the initial or agreed upon target



# Miscellaneous



- **System for dealing with reviews [s. 138]**
  - Service Managers must have a system for hearing appeals from tenants
  - Opportunity to comment was removed.



# Projects in Difficulty



- Triggering events
  - Test for some triggering events to “in the opinion of the SM” rather than in regard to normal practices of similar providers
- Service Manager remedy options:
  - SM performs duties of NP and may appoint property manager (must be knowledgeable about NPs)
  - SM uses “operational advisor” (must be knowledgeable about NPs)
  - Interim receiver or receiver-manager (max 180 days)
  - Court appointed receiver or receiver-manager





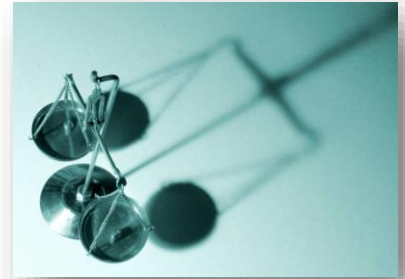
# Ministerial Consents



- Ministerial consent required for sale or transfer, encumbrance, amalgamation etc.
- Ministerial consent required to allow LHCs to opt out of HSC insurance or bulk natural gas purchasing program
- Ministry has removed consents for other changes (e.g. mortgages) in favour of giving Service Managers more local decision-making authority



# Pros & Cons of the *HSA*



- Pros:
  - Local flexibility to ensure responses match need
  - Defined role for housing providers
  - Stated focus on returning projects in difficulty to original state
  - Training and succession plans
- Cons:
  - Fragmentation of approaches across the province
  - Rent-Geared to Income system needs to be overhauled
  - Access to housing and support services is too complicated
  - Capacity issues
  - No concrete strategy to address new supply, ageing stock or end of operating agreements



# Questions?



# Key *HSA* Regulations At a Glance

## HSA Regulations At a Glance

General Regulation – Part III (s. 3-5)	
Housing and Homelessness Plan Requirements [s. 3]	Service Managers required to develop 10-year local housing and homelessness plans which must be consistent with the provincial interests and Housing Policy Statement, and must include an assessment of current and future housing needs; objectives and targets related to housing needs; description of measures proposed to meet the objectives and targets. Plans must also address needs of victims of domestic violence and persons with disabilities.
Time for Initial Plans [s. 4]	Plans must be in place by January 1, 2014
General Regulation – Part VI Minimum Service Levels (s. 19-22)	
Service Levels [s. 19]	Establishes minimum number of RGI and special needs units to be maintained by each Service Manager
General Regulation – Part VI Eligibility (s. 23-41)	
Provincial Eligibility Rules [s. 24]	Sets out provincial eligibility rules. Service Managers may set out own eligibility rules about certain matters.
Failure to notify of changes [s. 28]	Household must notify Service Manager of changes in household situation within 30 days.
Local rule – certain convictions [s. 36]	Service Manager may set local eligibility rule that a household is ineligible for RGI assistance if convicted of an RGI-related offence.



## HSA Regulations At a Glance

General Regulation – Part VI Occupancy Standards (s. 42)	
Occupancy Standards [s. 42]	Default provincial occupancy standards have been removed. Service Manager occupancy standards must comply with provincial rules (i.e. exceptions for children in full-time attendance at a recognized educational institution, medical condition, or disability).
General Regulation – Part VI Selection System for Waiting Households (s. 45-51)	
System for selecting waiting households [s. 45, 46]	<p>Service Managers are still required to administer a system for selecting waiting households, but will have greater flexibility in developing alternatives to the current system.</p> <p>The Province has set some basic requirements, including standard rules for applications, retaining the Special Priority Policy for victims of domestic violence, and taking time spent on the wait list into account.</p>
Selection of already accommodated households [s. 47]	Service Managers may set rules to facilitate exchanges across Service Manager boundaries for households already living in RGI units.
Refusals by housing provider [s. 50]	Sets out grounds under which certain housing providers may refuse to offer a unit (e.g. contrary to mandate, unable to fulfill obligations, unreasonable of household to reside in shared accommodations).



## HSA Regulations At a Glance

General Regulation – Part VII (s. 86-89)	
Housing Provider Plans [s. 87]	Housing providers must develop and implement staff and volunteer training plans and a board of directors succession plan
General Regulation – Part VIII (s. 90-105)	
Capital Reserve [s. 98] Insurance [s. 99]	Requires designated housing projects to maintain a capital reserve, and to participate in mandated Housing Services Corporation (former SHSC) programs related to capital reserves and insurance.
Limits of local standards [s. 100]	Service Managers may create rules for housing providers regarding conflict of interest, minimum number of board meetings, remuneration of directors, property management, procurement of contracts, leases, and multi-year financial plans.
Targets [s. 101]	Service Manager may not change housing project targets if it would result in more than a 10% change to the initial or agreed upon target



# HSA Regulations At a Glance

General Regulation – Part X (s. 138-147)	
System for dealing with reviews [s. 138]	<p>Service Managers must establish a system for hearing appeals from tenants, with rules for selecting reviewers including</p> <ul style="list-style-type: none"><li>• reviewer must not have participated in the making of the decision</li><li>• Reviewer must be knowledgeable of the relevant provisions of the Act</li><li>• Reviewers must not have discussed decision with person who made the original decision.</li></ul> <p>Service Manager must also establish timelines for review requests and decision.</p>





# Questions?



# How can ONPHA help you?

## 1. Visit ONPHA online:

[onpha.on.ca](http://onpha.on.ca)

- handbooks and guides
- InfoONs
- FocusON

## 2. ONPHA Member Support

**Hotline:** 1-800-297-6660

## 3. ONPHA Education Program

- Online courses: RGI, RTA, Finance and Governance
- Webinars
- In-person training

## 4. ONPHA Conference

- Join us in 2017
- Niagara Falls: Nov 3 - 5



# Thank you!

*ONPHA values your opinion. Please complete a workshop evaluation.*