



**Policy Name:** Special Priority Status

**Policy Number:** SH-001-2018

**Administrative Approval Date:** 2018-11-01

**Council Approval Date:** NA

**Most Recent Amendment Date:** 2021-02-22

**Effective Date:** 2021-02-22

**By-law reference:** N/A

**Supersedes:** 2018-11-01

**1. Policy:**

- 1.1 The Housing Services Act sets out provincial rules for prioritizing applicants on the Centralized Wait List (CWL) for rent-geared-to-income (RGI) housing.
- 1.2 Eligible applicants for RGI housing are generally placed on the wait list according to their date of application. Applicants with special priority (SPP) status have priority over all other applicants on the CWL.
- 1.3 SPP applicants are victims of abuse or human trafficking who meet specified requirements.

**2. Purpose:**

To establish the requirements for SPP status on the District Municipality of Muskoka's (the District) CWL for RGI housing for victims of abuse and human trafficking.

**3. Definitions:**

- a) **Abuse** – means one or more of the following incidents against an individual:
  - Physical or sexual violence;
  - Controlling behavior;
  - Words, actions or gestures that threaten them or lead them to fear for their safety;
  - Or as otherwise defined by the legislation.
- b) **Extenuating Circumstance** – Is a circumstance which is unforeseen, is out of the control of the household and is unlikely to occur again. Examples of potential extenuating circumstances could include but is not limited to; situations where at the time of an offer from a Housing Provider an applicant is in the hospital, receiving treatment for addiction, or if an applicant is a survivor of domestic violence or human trafficking and a preferred building is no longer safe due to the proximity of an abuser.
- c) **Human Trafficking** – means one or more incidents of recruitment, transportation, transfer, harbouring or receipt of an individual by improper means, including force, abduction, fraud, coercion, deception, and repeated provision of a controlled substance, for an illegal purpose, including sexual exploitation or forced labour.

#### **4. Eligibility:**

##### **4.1 To Apply:**

To Apply for SPP status, the applicant must be eligible for RGI housing. The request for SPP status must be in writing and must be made by a member of the household who is 16 years or older. An applicant may be eligible for SPP status if the applicant or another member of their household:

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

##### **4.2 To be eligible:**

To be eligible for SPP status, 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:

- i. A relative of the applicant or to any member of the household;
- ii. An intimate partner or former intimate partner;
- iii. Someone with whom the applicant is in an emotionally, physically, or financially dependent relationship;
- iv. An immigration sponsor.

##### **4.3 Co-residency:**

- i. To be eligible for SPP status, 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.
- ii. Proof of co-residency is required and may include 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 and may include:
  - Currently-dated leases or rent receipts
  - Utility bills
  - Landlord letters
  - Government documents
  - Home or tenant insurance documents
  - Paystubs or employer statements.
- iii. SPP applicants receiving social assistance must provide proof of co-residency from Ontario Works (OW) or Ontario Disability Support Program (ODSP).

- iv. SPP applicants living in social housing must provide proof of co-residency from their social housing provider.
- v. Co-residency requirements do not apply to victims of human trafficking or if the abusive person is the immigration sponsor.

#### 4.4 **SPP applications:**

SPP applications must be made within three months of leaving human trafficking or an abusive situation:

- i. Applicants who apply after three months of separation must show evidence of current and on-going abuse to be eligible for SPP (i.e. within the previous three months).
- ii. In limited circumstances, the following may be considered in making a determination of SPP status:
  - 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 that could be alleviated by RGI housing;
  - The applicant is at risk of returning to human trafficking, including risk due to financial hardship that could be alleviated by RGI housing;
  - The applicant needs RGI housing to alleviate financial hardship arising from legal proceedings related to the previous abuse or human trafficking;
  - The applicant is attempting to use RGI housing 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 other extenuating circumstances.

#### 4.5 **Ranking:**

- i. The priority of households that have been determined to be eligible for inclusion in the special priority household category is determined by the date the household made a written request, whether or not the request met all the requirements at the time it was made, with a household with an earlier date having priority over a household with a later date.
- ii. As per the Tenant Selection policy (SH-004-2019), an SPP household ranks higher than another SPP household with a later SPP eligibility date, with the following exceptions:
  - A SPP household ranks higher than another SPP household if the District determines, in consultation with other agencies, that a member of the first household is at greater risk than the members of the other household.

- If the member of a household with SPP status lives with the abusive person, that household ranks higher than another SPP household where the member does not live with the abusive person.

## **5. Administration:**

### **5.1 Application process:**

To be considered for SPP status, all applicants must complete the SPP application package, which includes:

- i. **Part A: Declaration and Applicant Consent:**
  - Section 1 is to be completed and signed by SPP applicants who want to permanently separate from an abusive situation.
  - Section 2 is to be completed and signed by SPP applicants who have been victims of human trafficking.
- ii. **Part B: Proof of Co-Residency:**
  - Part B is to be completed and proof of co-residency must be provided by SPP applicants who want to be separate from an abusive situation.
  - Part B and proof of co-residency is not required for SPP applicants who are victims of human trafficking or if the abusive person is their immigration sponsor.
- iii. **Part C: Verification Record:**
  - The verification record is completed and signed by someone who can confirm the SPP applicant's declaration of abuse or human trafficking made 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 abuse or human trafficking and when these occurred. If the applicant is applying for SPP after 3 months of separation, the support letter must also set out the reasons for the delayed application and details of current and on-going 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 with the applicant around the issue of abuse or human trafficking in their professional capacity as a:
    - Doctor or lawyer;
    - Registered nurse or registered practical nurse;
    - Police officer or law enforcement officer;
    - Minister of religion authorized under provincial law to perform marriages;
    - Registered early childhood educator;
    - Teacher or guidance counsellor;
    - Person in a managerial or administrative position with a housing provider;
    - Indigenous Elder, Indigenous Traditional Person or Indigenous Knowledge Keeper;

- Member of the college of midwives of Ontario, or an aboriginal person who provides traditional midwifery services;
  - Registered Social Worker or Registered Social Service Worker
  - Psychotherapist, registered psychotherapist or registered mental health therapist.
  - If the SPP Applicant is not working with a professional around the issue of abuse or human trafficking, they may have the verification record and support letter completed by someone else who is familiar with the abuse or human trafficking. 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.
  - The District 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 abuse or human trafficking while they are on the wait list and after they move into RGI housing.
  - The person completing the verification record must sign the Verification Declaration (page 3 of the Verification Record portion of the application form), providing their name, position, and contact information.
- iv. Part D: Applicant Contact Information
- The applicant must provide contact information, including an indication of the preferred method of communication;
  - The applicant may also provide alternate contact information in the event that the applicant cannot be reached.

## 5.2 Limitation on required information:

SPP applicants for either abusive relationships or human trafficking applications are not required to provide information pertaining to their SPP application if:

- i. The District is satisfied that the applicant is unable to do so;
- ii. 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;
- iii. The information pertains to legal proceedings or potential legal proceedings against the abusive person or a person engaged in trafficking against the SPP applicant.

## 5.3 Timelines for the determination of SPP eligibility:

- i. The District shall make a determination of SPP eligibility within 14 days of the request being deemed complete.
- ii. The District will notify the applicant in writing of the decision within 7 days of the decision being made. Such notice will inform the applicant that they may request an internal review of the decision in accordance with the policy on the Internal Review Process (TBD).
- iii. If approved for SPP status, the applicant will be placed on the wait list according to the date that SPP status was confirmed.

#### 5.4 Removal of SPP Status

- i. SPP applicants remain eligible for SPP status unless:
  - The SPP applicant adds the abusive person to their social housing application;
  - The SPP applicant adds the person engaged in their trafficking to their social 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;
  - The applicant accepts an offer of social housing outside the District of Muskoka;
  - The applicant accepts an offer of social housing in the District of Muskoka;
- ii. An applicant may request that their SPP application be temporarily removed from the waiting list for up to one year for the purposes of continuing to live with, or returning to live with, the abusing individual.
  - The temporary removal option does not apply to victims of human trafficking.
  - A household would be reinstated on the waiting list based on the date their original SPP application was approved.
  - A household can only leverage this provision once.

#### 5.5 Confidentiality and Records

- i. 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 the District.
- ii. Notices to SPP applicants will be provided only to the person who made the request for SPP status.
- iii. Information provided to determine eligibility for SPP status will not be disclosed or used for any other purpose except to determine SPP eligibility.
- iv. Once a determination of SPP status has been made, all records relating to the application will be destroyed except for the Verification Declaration (page 3 of part C) and the Applicant Contact Information (part D).

**Related Form: SPP Application Package SH-901-2018**

**Related Policies/Procedures: N/A**

**Reference: (approval and amendment details, legal references)**

- Housing Services Act, 2011
- Municipal Freedom of Information and Protection of Privacy Act