



Policy Name: Rent-Geared-to-Income Eligibility

Policy Number: SH-002-2019

Administrative Approval Date: 2019-02-20

Council Approval Date: N/A

Most Recent Amendment Date: 2021-02-22

Effective Date: 2019-03-01

By-law reference: N/A

Supersedes: 2019-03-01

1. Policy:

Households wishing to receive rent-geared-to-income (RGI) assistance in the District Municipality of Muskoka (the District) will be screened in accordance with eligibility requirements established both provincially and locally. If the household meets all eligibility requirements, it will be added to the Centralized Wait List (CWL) that is managed and maintained by the District as Service Manager.

2. Purpose:

To outline the basic eligibility requirements for RGI assistance

3. Administration:

3.1 ELIGIBILITY RULES

To be eligible for RGI assistance, the applicant/household must meet the following requirements:

- i. At least one member of the household must be 16 years of age or older and able to live independently with or without support services;
- ii. Each member of the household must have status in Canada including being a Canadian citizen, a permanent resident of Canada, a refugee claimant, or applying to become a permanent resident;
- iii. No member of the household is under a deportation, departure or exclusion order to leave Canada;
- iv. Total household income does not exceed the applicable limits as defined in the *Housing Services Act* (HSA) as amended from time-to-time;
- v. Total household assets do not exceed the applicable limits as defined in the District's Asset Limits policy (SH-003);
- vi. No member of the household owes arrears for rent, or damages caused by a current member of the household to a former community housing provider in Ontario (see section 3.2 vii);

- vii. No member of the household has been convicted of an offence under the *Housing Services Act* (HSA) or the *Criminal Code* in relation to the receipt of RGI within the last 2 years (see section 3.2 viii);
- viii. No member of the household has an enforceable removal order made against them.
- ix. No member of the household has legal or beneficial interest in residential property that is suitable for year-round occupancy and fails to divest themselves of that property within prescribed time limits as defined in the HSA;
- x. No member of the household has failed to pursue certain types of income for which they may be eligible (see section 3.2 ix);
- xi. No member of the household is in receipt of a portable housing benefit.

3.2 APPLICATION REQUIREMENTS

- i. An application by a household for RGI assistance must be made to the District and must include the information and documentation that the District requires, including written verification of the following:
 - a) Status in Canada, which may include but is not limited to:
 - Canadian birth certificate;
 - Canadian passport; or
 - Canadian Permanent Resident card
 - b) The income of members of the household over the age of 16 from any source;
 - c) The interest in any asset of any member of the household and the value of that interest.
- ii. Certain information or documentation requirements may be waived if:
 - a) The District is satisfied that the household or a third party cannot provide the information or documentation requested; or
 - b) The household is applying for Special Priority (SPP) Status (SH-001) and it is determined that attempts to obtain the information or documentation could put them at increased risk.
- iii. Consent:
 - a) The application includes a consent for the disclosure of information and documents to the District for the purpose of processing the application, including determining the size and type of unit for which the household may be eligible, determining the placement of the household on the CWL, and determining the amount of rent that will be payable by the household.

- b) The application form and the consent must be signed by each member of the household who is 16 years of age or older. If, for any reason, a member of the household who is 16 years of age or older is unable to sign the application and the consent, or to make a valid application and give a valid consent, the application and consent may be signed on that person's behalf by another individual who:
 - Is a parent or guardian of the person;
 - Is an attorney of the person under a power of attorney that authorizes the attorney to make the application and give the consent on the person's behalf; or
 - Is otherwise authorized to make the application and give the consent on the person's behalf.
- iv. Changes to Application - Prior to an offer of RGI assistance, any change to the information or documentation previously supplied as part of the application process shall be provided to the District by the household within thirty (30) days of the change. Failure to provide such notification may result in the household being removed from the CWL.
- v. Notice of receipt of application – the District shall provide the household with written notice stating that the application is either complete or incomplete and requires further information.
 - a) If notice is sent that the application is not complete, and subsequently the deficiencies in the application are addressed, the household will be provided with written notice that the application is now complete;
 - b) The application is considered to be complete on the date of the written notice by the District that it is complete.
 - c) The application will not be added to the CWL until it is complete (refer to the Tenant Selection policy SH-004).
- vi. SPP Status – where a household is applying for SPP status, the SPP Application Package must be completed according to the Special Priority policy (SH-001).
- vii. Arrears:
 - a) Households who owe arrears for rent or damage caused by a current member of the household from a previous tenancy with a social housing provider anywhere in the province are ineligible for RGI assistance.
 - b) An applicant can be placed on the CWL provided:
 - They have entered into a repayment agreement with the housing provider; and
 - They have made six (6) months of consecutive payments.
 - The District is satisfied that extenuating circumstances exist
 - c) If arrears are owed by a SPP applicant for a unit that they shared with the abuser or human trafficker, the applicant is responsible for repayment of half the arrears to be eligible for RGI assistance.

- viii. Previous convictions of Fraud:
- a) An applicant may not be eligible for RGI assistance if a member of the household has been convicted of any of the following:
 - An offence under section 55 of the HSA or section 85 of the previous Social Housing Reform Act; or
 - A crime under the Criminal Code of Canada in relation to the receipt of RGI assistance.
 - b) A household that is determined by the District to be ineligible for RGI assistance per 3.2 (viii a) may not reapply for RGI assistance for a period of two years from:
 - The first day of the month at which the provision of RGI assistance to the household ceases, if the household is receiving RGI assistance at the time of the determination; or
 - The date the District provides the household written notice of the determination of ineligibility, if the household is not yet receiving RGI assistance.
- ix. Pursuit of Income:
- a) A member of a household may be required to pursue the following types of income to be eligible for a RGI subsidy:
 - Ontario Works;
 - Spousal Support;
 - Employment Insurance Benefits;
 - Old Age Security, Guaranteed Income Supplement, and Guaranteed Annual Income Supplement; or
 - Sponsorship income under the *Immigration and Refugee Protection Act*.

3.3 REVIEW OF ELIGIBILITY

- i. At least once in every 24 month period after an applicant on the CWL has been determined to be eligible for RGI assistance, the District shall review the eligibility of the household and determine if they continue to be eligible.
- ii. At least once in every 12 month period after a tenant household has been receiving RGI assistance, the District shall review the eligibility of the household and determine if they continue to be eligible. The District does have the discretion to increase this to a 24 month period with automatic increases in the intervening year. Automatic increases can only be applied if all of the following apply:
 - a) All members of the household are unemployed
 - b) Any income that the members of the household receive is paid in fixed amounts for specified periods
 - c) The income of the members of the household include Old Age Security (OAS), Guaranteed Income Supplement (GIS), Guaranteed Annual Income Supplement (GAINS) or OAS Allowance
 - d) There are no dependents of any member of the household
 - e) The total amount of the OAS, GIS, GAINS or OAS Allowance has increased
 - f) The RGI was not automatically increased the previous year.

- iii. The household being reviewed shall provide such information and documents as the District may require within the time period specified by the District.
- iv. The District may require a consent signed by any member of the household who is 16 years of age or older, consenting to the disclosure to the District of information and documents required for the purpose of the review.

3.4 CESSATION OF ELIGIBILITY

- i. A household would cease to be eligible for RGI assistance, whether or not the household is actually receiving such assistance, if:
 - a) The District discovers that, at the time of the initial determination of eligibility, the household did not meet an eligibility requirement as outlined in this policy;
 - b) The household has ceased to meet, or does not meet, an eligibility requirement as set out in this policy;
 - c) The applicant household has refused one valid offer of a RGI unit (refer to Tenant Selection policy (SH-004));
 - d) The household has been deemed to be over-housed, has subsequently been added to either the internal or the CWL, and has either refused one valid offer of a transfer, or who has requested that their name be removed from such waiting list (refer to the Tenant Selection policy (SH-004));
 - e) The household fails to submit a completed annual review and any required written verification;
 - f) A household that has been receiving RGI assistance ceases to be eligible for such assistance if a member of the household whose income is to be included in the calculation of the geared-to-income rent payable by the household has not filed a return of income under the *Income Tax Act (Canada)*.
 - g) If, for a period of twenty-four consecutive months, the RGI rent payable by the household for the unit it occupies is equivalent to the rent that would be payable for the unit by a household not receiving RGI assistance (referred to as Market Rent).
 - h) The household is absent from their unit for a period of 60 consecutive days or ninety (90) days within a 12 month period.
- ii. Consequences of cessation of eligibility:
 - a) If the District determines that a household receiving RGI assistance has ceased to be eligible:
 - The household may be required to repay any RGI subsidy for which they were not eligible;
 - The RGI subsidy for the household may be terminated with 90 days notice; and/or
 - The District may apply to the Landlord and Tenant Board to have the household evicted.

Related Policies/Procedures:

- Special Priority Status (SH-001)
- Asset Limits (SH-003)
- Tenant Selection (SH-004)

Reference: (approval and amendment details, legal references)

- Housing Services Act, 2011
- Ontario Regulation 367/11
- Ontario Regulation 298/01