

Community Housing Directive

INC 2012-02 Pursuit of and Failure to Obtain Income

Date of Directive: May 1, 2012

Replaces Directive: 2005-025

Effective Date: January 1, 2012

Until further notice

To be updated annually

Legislation: Housing Services Act, (HSA) 2011 S.42

Regulation: 367/11 S.31

Applies to: HSA Providers (including Special Needs Providers)

Non-HSA Providers

HAP and Managers of other Community Housing Wait Lists

Intent

To provide direction to Housing Providers on what income must be sought by households in receipt of Rent-Geared-to-Income assistance.

Policy

The legislation gives the local Service Manager discretion as to what can be considered reasonable effort and an acceptable timeframe for implementing pursuit of income requirements.

Local eligibility rules for pursuit of income are as follows. The types of income that must be pursued:

1. Basic financial assistance under the *Ontario Works Act, 1997* or *Ontario Disability Support Program Act, 1997* (ODSP).
 - **Regarding pursuit of Ontario Works income:** Housing Providers should advise tenants/members or applicants to continue the application process through the Social Services Division until a decision about eligibility for Ontario Works has been made in order that a letter of proof of in/eligibility can be generated.
 - **Regarding ODSP:** if the tenant/member is already on Canada Pension Plan (CPP), their verification of disability will be accepted by the ODSP office but the person must still fill out an ODSP application at the ODSP office. All other applications should be made at the ODSP office (currently in Peterborough Square).
2. Support under the *Divorce Act (Canada)*, the *Family Law Act* or the *Interjurisdictional Support Orders Act 2002*. A letter can be generated from the Family Responsibility Office (FRO) or a signed affidavit.
3. Employment benefits under the *Employment Insurance Act (Canada)*.
4. A benefit under section 2 of the *Ontario Guaranteed Annual Income Act*.
5. A pension or supplement under Part I or II of the *Old Age Security Act (Canada)*.
6. Support or maintenance resulting from an undertaking given with respect to the member under the *Immigration and Refugee Protection Act (Canada)*.

Pursuit of and Failure to Obtain Income

Reasonable effort

Housing Providers should exercise their good judgment when deciding on what constitutes “reasonable effort” in a household’s pursuit of income. Before proceeding to end RGI assistance on the basis of failure to pursue income, ensure there is reasonable effort.

Timeframe

The acceptable timeframe for pursuit of income is thirty (30) calendar days, after the Housing Provider has given notice to the household that all income sources must be pursued.

Housing Providers are not required to assist tenants/members in activities to pursue income but may wish to provide them with any information that would be useful.

Actions

Housing Providers must:

1. Send a **written Notice** to any tenant/member who the provider believes is not pursuing the specified types of income, pointing out that the tenant/member:
 - a. may be eligible to pursue other sources of income and where known, identify the type of income;
 - b. must make reasonable efforts to pursue income; and
 - c. must report back within 30 calendar days or risk becoming ineligible for RGI assistance.
2. In the case where **no income** is reported, the Housing Provider must obtain a signed declaration/affidavit from the household to support this. This can be obtained from a legal office or municipal government office (Clerk). Calculate rent for such a household using the Minimum Rent calculation.
3. If the Housing Provider has notified the household about its requirement to pursue income under the legislation, and if no response or acceptable proof of pursuit of income has been provided by the end of the 30 day period, the Housing Provider will begin the process of termination of RGI assistance, using the required Notices.
4. If the pursuit of income places the member or any other member of the household at risk of abuse, the Housing Provider will use their discretion to decide whether they will require the tenant/member to do so.

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From time to time, the Service Manager issues directives to communicate policy directions and updates to Community Housing Providers in its jurisdiction.