

Rule # 18-2017

In-Situ Applicants

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Originally Approved: October 2017

Revision Date: November 22nd, 2017

Authority

Under the authority of the *Housing Services Act, 2011 (HSA)* and its Regulations, each Service Manager is required to develop Local Rules. The Service Manager procedures and requirements in the Local Rule are to be implemented by all Housing Providers in Cornwall and Stormont, Dundas and Glengarry (SDG) operating under the *Housing Services Act, 2011*.

Intent

The intent of this Local Rule is to establish guidelines for determining rent-g geared-to-income (RGI) eligibility for market paying tenants and co-op members living with housing providers in Cornwall and Stormont, Dundas and Glengarry (SDG).

Local Rule

Market paying tenants and co-op members of housing providers may apply for RGI in their current unit. This is called an in-situ application, and it is made directly to the housing provider.

Housing providers may offer RGI to an in-situ applicant, without recourse to the wait list, if **all** of the following apply:

- The tenant/co-op member is eligible for RGI
- The housing provider is below target for RGI units
- The tenant lives in a unit within the allowable range of occupancy standards
- The tenant/co-op member has lived with the current housing provider for at least 12 months
- The tenant/co-op member's monthly shelter costs are more than 50% of gross household income
- The tenant/co-op member has had a recent, significant and unexpected change in circumstances that has led to the application for RGI.

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If a housing provider has more than one in-situ applicant, the housing provider must ensure that eligible in-situ applicants with Special Priority (SPP) status are offered RGI before other in-situ applicants. In-situ applicants are otherwise offered RGI chronologically according to the date of their application.

**RGI
Application
and Eligibility**

The housing provider (not the Registry) is responsible for determining RGI.

If the in-situ applicant is not eligible for RGI, the housing provider will:

- Notify the tenant or co-op member that they are ineligible for RGI, including the reason for ineligibility and the right to request a Review
- Notify the Registry of the in-situ application and that the tenant or co-op member is RGI ineligible, including the reason for ineligibility

If the in-situ applicant is eligible for RGI, the housing provider will determine if they also meet the criteria to grant immediate in-situ.

If they do, the housing provider will:

- Determine the RGI payable and notify the tenant or co-op member, including the right to request a Review.
- Notify the Registry of the in-situ application and that the tenant or co-op member has been granted RGI.

If the in-situ applicant is eligible for RGI but does not meet the criteria for immediate in-situ RGI only because the housing provider is at or above target, the housing provider will notify the tenant or co-op member that there is no current RGI subsidy available. The tenant or co-op member can opt to wait for subsidy to become available with their current housing provider or be added to the Registry wait list.

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- If they opt to wait for subsidy to become available, it is the housing provider's responsibility to manage this. The housing provider does not need to notify the Registry.
- If they opt to be placed on the Registry wait list, the housing provider will forward to the Registry:
 - Copy of notice to the tenant or co-op member that they are ineligible for immediate in-situ RGI
 - Original Application for Rent-Geared-to-Income (RGI) and Modified Housing form
 - Original Regional Consent to Disclosure of Information and Documents form.

The Registry will place the applicant on the wait list.

If the in-situ applicant is eligible for RGI but does not meet the criteria for immediate in-situ RGI (other than for target), the housing provider will notify the tenant or co-op member that they are ineligible for immediate in-situ RGI but may be added to the Registry waitlist for RGI in a different unit. The housing provider must include the reasons for ineligibility and the right to request a Review.

- If the tenant or co-op member does not want to be placed on the Registry wait list, no further action is required.
- If the tenant or co-op member wants to be placed on the Registry wait list, the housing provider will forward to the Registry:
 - Copy of the notice to the tenant or co-op member that they are ineligible for immediate in-situ RGI
 - Original Application for Rent-Geared-to-Income (RGI) and Modified Housing form.
 - Original Regional Consent to Disclosure of Information and Documents form.

The Registry will place the applicant on the wait list.

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RGI Targets

Housing providers must normally be below target for RGI before offering immediate in-situ RGI to a current tenant or co-op member.

Housing providers may request approval from the Service Manager to temporarily exceed their RGI target in order to accommodate a request for in-situ RGI.

Occupancy Standards

In-situ applicants must normally be living in a unit within the allowable range of occupancy standards in order to be eligible for in-situ RGI.

Housing providers may grant immediate in-situ RGI to a tenant or co-op member living in a smaller unit at their discretion.

Housing providers may grant immediate in-situ RGI to a tenant or co-op member living in a larger unit with the approval of the Housing Services Division. If approved, the tenant or co-op member will be required to move to a smaller unit as soon as one becomes available. Exceptions to occupancy standards will not be approved if the housing provider does not offer any units within their applicable range of occupancy standards (ie, tenant ____ in a 1 bedroom but housing provider does not offer 1 bedroom).

12 Months' Residency

In-situ applicants must have been living in their current housing provider for at least 12 months. Housing providers may grant immediate in-situ RGI to tenants or co-op members who have lived in their unit for less than 12 months in extenuating circumstances (e.g. death of a spouse) with Service Manager approval.

Shelter Costs

In order to be eligible for in-situ RGI, a tenant or co-op member's monthly total market shelter costs must now be more than 30% of their gross household income.

Shelter costs include:

- Current market rent or housing charge
- Average fuel and electricity costs

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- Mandatory cable, parking or other costs associated with the rent or housing charge
- Tenant or member insurance paid for their unit

Significant and Unexpected Change

In order to be eligible for in-situ RGI, a tenant/co-op member must have had a recent, significant (remarkable/noticeable) and unexpected (unforeseen/unanticipated) change in circumstances that led to their application for in-situ RGI.

Housing providers will determine if the change could not reasonably have been expected and whether it is significant. Housing providers should exercise their discretion in the best interest of the tenant or co-op member and their communities.

Current Tenants on the Wait List

Current market paying tenants and co-op members may be on the Registry wait list and may express interest in vacancies posted by their current housing provider. If the Registry refers a current market tenant or co-op member for a vacancy in the same property in which they live, the housing provider may offer them RGI in their current unit. The vacant unit may then be offered to a market applicant or the next Registry applicant, as applicable.

References

Ontario Regulation 367/11, s. 48

Local Audit Requirements	
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Completed by:	Mellissa Morgan  Signature	Date: November 22 nd , 2017
Approved by:	Stacey Ferguson  Signature	Date: November 22 nd , 2017

