

Communiqué

Issue 2023-011

Date: December 7th, 2023

The Requirements, Recommendations and Guidelines in this Communiqué are applicable to the social housing providers administered by the City of Hamilton.

<input checked="" type="checkbox"/>	Providers Under <i>Housing Services Act, 2011</i>
<input checked="" type="checkbox"/>	Providers Under a Federal Operating Agreement
<input checked="" type="checkbox"/>	Requirement
<input checked="" type="checkbox"/>	Guidelines
<input type="checkbox"/>	For Information Purposes Only

SUBJECT: Policy Updates and Housing Provider Reporting Calendar

Hello Providers,

Please find attached the City of Hamilton's Divestment of Residential Property Policy. The policy has been updated to more clearly specify that a rent-geared-to-income tenant may not simultaneously hold a lease on another property and remain eligible for rent-geared-to-income assistance.

Attached you will also find the updated Service Manager Consent Policy. This policy was updated to reflect increased delegated authority from Council to the General Manager of the Healthy and Safe Communities or designate, including Housing Services Staff, to provide consent on behalf of the Service Manager. For practical purposes, updates to this policy have no impact on Housing Providers. Situations requiring Service Manager Consent continue to require the Housing Provider to submit a business case, following the format in Appendix A, to their Housing Officer.

Policies can be found on the City of Hamilton's *Housing Provider Information* webpage: <https://www.hamilton.ca/people-programs/housing-shelter/supported-housing/housing-provider-information>

A Housing Provider Reporting Calendar has also been attached, which details Housing Provider reporting requirements to the City of Hamilton and their time frames.



City of Hamilton
Housing Services Division
Healthy and Safe Communities
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If you have any questions, please connect with your Housing Administration Officer.

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Housing Services Policy		Content Updated: 2023-11-27
Social Housing Administration		Housing Services
Divestment of Residential Property		
Page 1 of 3		Effective Date: 2023-11-27

Divestment of Residential Property Policy

POLICY STATEMENT	Under the <i>Housing Services Act 2011</i> , 367/11 s. 32, tenants or co-op members in receipt of rent-geared-to-income (RGI) assistance cannot own residential property that is suitable for year-round occupancy and continue to be eligible for RGI assistance.
PURPOSE	To identify legislative requirements when households (applicants or tenants/members) own property or have an interest in a residential property suitable for year-round occupancy impacts eligibility for RGI assistance.
SCOPE	This policy is applicable to all households who reside with a Housing Provider who must adhere to the <i>Housing Services Act, 2011 (HSA)</i> and Housing Providers who have an Agreement with the City of Hamilton to administer rent supplements subject to the HSA.
DEFINITIONS	
<i>Divest</i>	In relation to a legal or beneficial interest in a freehold or leasehold estate in property, means to complete the transfer of the interest in the property or to terminate the lease of the property.
<i>Homeowner</i>	Any member of a household, which is receiving RGI assistance, who has a legal or beneficial interest in a freehold or leasehold estate in residential property located in or outside Ontario that is suitable for year-round occupancy.
<i>Housing Provider</i>	a Non-Profit or Co-operative organization that provides social housing
<i>Residential Property</i>	For the purpose of this policy means: <ul style="list-style-type: none"> • A property all of which is used for residential purposes and is suitable for year-round occupancy, or • In the case of a property part of which is used for residential purposes and part of which is used for other purposes, any portion that is used for residential purposes.
<i>Service Manager</i>	The City of Hamilton is a Service Manager designated to administer and fund the social housing program in Hamilton.



TERMS & CONDITIONS

The Access to Housing (ATH) Application form for social housing asks if the applicant owns any property in Canada or elsewhere.

If the applicant declares they do own property, ATH staff must follow-up with the applicant to have the Declaration of Intent to Sell Property form completed.

The purpose of the Declaration of Intent to Sell Property form is to advise the applicant of their obligation to sell property, within 180 days of starting to receive RGI assistance and for the applicant(s) to agree to divest the property. Upon receipt the completed and signed form, Access to Housing staff will make a notation in the applicant's file to indicate that the applicant(s) has a legal or beneficial interest in residential property (e.g. homeowner).

All households receiving RGI assistance who own residential property suitable for year-round occupancy **must** sell that property within 180 days of being housed in order to continue to qualify to receive RGI assistance.

In order to remain eligible for RGI assistance, the household (tenant(s) or co-op member(s)) that owns such property must sell or transfer it for fair market value:

- within 180 days of moving into an RGI unit
- within 180 days of acquiring the property if the RGI tenant or co-op member acquired the property after moving into an RGI unit.

Note: where a member(s) of a household has a financial interest in a property that exceeds the allowable asset limit, as per the Housing Services Division Policy Income and Asset Limits, that household is not eligible for RGI assistance nor are they eligible to be on the centralized waiting-list.

Following the divestment of property, the proceeds of the sale are considered an asset and will be subject to the terms and conditions identified in the Housing Services Division Policy Income and Asset Limits.

Applicant with ownership at the Time of Accepting Offer of Housing

When a household accepts a housing offer, the Housing Provider must notify the household in writing regarding the requirement to divest their interest in the property within 180 days of being housed.

Tenant/member Acquires Interest in Property while in Receipt of RGI

If a household receiving RGI acquires an interest in property which is habitable year-round, the household must divest himself or herself of the owned property within 180 days of acquisition. A RGI tenant may not hold a lease on another property and remain eligible for RGI assistance.

Extension to divestment of residential property	<p>The Housing Provider may extend the period of time to sell or transfer the property if there are reasonable grounds for doing so. The extension may be given one or more times.</p> <p>Victims of Family Violence If a household receiving RGI declares being a victim of family violence or a safety issue and the interest in the property is jointly owned with the abusing individual, the housing provider may extend the time for the divestment as the housing provider deems appropriate.</p> <p>The RGI household must be notified of the requirement to divest and of any extension.</p>
Proof of Sale or Transfer of Property	<p>The RGI household must provide proof of the sale or transfer of the property (e.g. a copy of the final report of sale issued by the solicitor acting on behalf of the homeowner on the sale transaction).</p>
Refusal to Divest Property	<p>Where a RGI household refuses to sell residential property within the required time and does not qualify for an extension, the household should be given a 90-day Notice that the household ceases to be eligible to continue receiving RGI assistance.</p> <p>All decisions regarding the eligibility of households who do not meet the requirement to divest their interest in the property within 180 days of being housed (without an extension from the Housing Provider) are subject to Review as per the <u>Social Housing Review System Policy</u>.</p>
COMPLIANCE	<p>As outlined in the Terms and Conditions section, this <u>Divestment of Residential Property policy</u> complies with the <i>Housing Services Act, 2011, O.Reg 367/11, s. 32</i>.</p> <p>Access to Housing staff, Housing Providers and City staff in the Rent Supplement Program must follow this policy.</p>
Approval	<p>Author Name: Tammy Morasse, Senior Policy Analyst Manager Name: Brian Kreps, Manager of Social Housing Director Name: Michelle Baird Director of Housing Services Approval Date: 2018-01-15 Revised: 2023-11-27</p>



Access to Housing

350 King Street E – Suite 110, Hamilton, Ontario L8N 3Y3
Phone: (905) 546-2424 ext. 3708 Fax: (905) 546-2809



ACCESS TO HOUSING (ATH) – Divestment of Residential Property

Declaration of Intent to Sell Property Form

All applicants who are on the Access to Housing waiting list and own a property **must** sell the property or transfer the property within 180 days of moving into a rent-geared-to-income (RGI) unit in order to continue to qualify to receive RGI assistance.

<i>To be completed by Applicant(s)</i>	
I/We hereby acknowledge that I/we own or have a financial interest in a residential property suitable for year-round occupancy.	
The address of the property is:	
_____	Street
_____	City
_____	Country
I/We agree to divest my/our interest in the property within 180 days of moving into a rent-geared-to-income unit. I/We understand that failure to do so may result in the loss of my rent subsidy. I/We agree to report the divestment to the Housing Provider in writing with legal documents to verify the sale or transfer of the property. If I/We need longer than 180 days to sell or transfer the property, I/We will ask the Housing Provider for a time-extension.	
Applicant Name (print):	
Applicant Signature:	Date:
Co-Applicant Name (print):	
Co-Applicant Signature:	Date:

Housing Services Division		Content Updated: 2023-07-19
		Policy and Procedure No. CoH19-0601-SMC1
Social Housing Administration		Effective Date: June 23, 2023

Subject: Requirement for Service Manager Consent

Applicable to:	The policy and procedures contained in this document apply to the following:	
	<input checked="" type="checkbox"/> Co-operatives	<input checked="" type="checkbox"/> Local Housing Corporation
	<input checked="" type="checkbox"/> Federal Non-Profit	<input checked="" type="checkbox"/> Landlords with Rent Supplement Agreements – Incl. OCHAP & Commercial Rent
	<input checked="" type="checkbox"/> Municipal & Private Non-Profit	<input type="checkbox"/> Other (s) -----

Content	<p>This document contains the following:</p> <ul style="list-style-type: none"> Policy Context Purpose of the Policy Service Manager Consent Authority Areas where Ministerial Consent is required Required Format for Submitting a Request for Service Manager Consent Responsibilities and Approval Process Compliance Questions References Appendences Approval
Policy Context	<p>The City of Hamilton as Service Manager under the <i>Housing Services Act, 2011</i> (HSA), is required to establish and administer local policies, and procedures for social housing in Hamilton, including specific consent decisions.</p> <p>A Service Manager Consent is a decision made by the Service Manager (City of Hamilton) in response to certain requests from a housing provider. These Service Manager Consent(s) are required for certain activities/actions as set out in the <i>Housing Services Act, 2011</i>. The <i>Social Housing Reform Act (SHRA), 2000</i> which was replaced by Housing Services Act in 2011 designated the City of Hamilton to manage social housing programs in Hamilton.</p> <p>With the passing of the Promoting Affordable Housing Act, 2016, and amendments to the Housing Services Act that came into effect on January 1, 2017, Service Managers have broader authority to make specific consent</p>

	<p>decisions that were previously made by the Minister of Municipal Affairs and Housing, including transferring, mortgaging, or developing designated housing projects or the land where the project is located.</p>
<p>Purpose</p>	<p>This Policy specifies areas that require Service Manager Consent or delegated authority and establishes processes and procedures to be followed by Housing Providers seeking a Service Manager Consent.</p>
<p>Service Manager Consent Authority</p>	<p>Situations requiring Service Manager consent under the Housing Services Act includes:</p> <ul style="list-style-type: none"> • making certain changes to local housing corporations (section 32 (a), 33 (a), 34 (a) and 35 (a) and 98(7) of the Housing Services Act); • modifying targets for the number of rent geared to income units and modified units (section 77 of the Housing Services Act); • transferring certain social housing projects (section 161(2) and 162(2) of the Housing Services Act); • mortgaging housing projects (section 161 and 162 of the Housing Services Act); • redeveloping housing projects (section 161 of the Housing Services Act); and, making corporate changes to non-profit Housing Provider articles or amalgamations (section 166 of the Housing Services Act). • Exercising remedies in relation to Projects-in-Difficulty (sections 85 and 86 of the Housing Services Act). • Determining rent in accordance with the regulations in the Housing Services Act (section 50 of the Housing Services Act). • Altering the mandate of a provincial or federal/provincial Housing Provider (section 76 of the Housing Services Act). <p>On July 23, 2023 (HSC23040), Council delegated authority to the General Manager of the Healthy and Safe Communities or designate, which includes Housing Services Staff, to provide consent on behalf of the Service Manager in accordance with subsection 17(1) of the Act, which allows Service Managers to delegate their powers or duties.</p> <p>Low-risk activities for which delegated authority from Council (SM) to Housing Services Staff has been received include:</p> <ul style="list-style-type: none"> • Delegated authority for housing providers wishing to mortgage or develop an existing social housing project so long as they are not taking on additional debt or reducing the number of overall units in the project. An exception is made in the case of debt owed to the City of Hamilton • Delegated authority to determine rent for a social housing unit in accordance with the Housing Services Act • Delegated authority to modify the targets for the number of rent-geared-to-income units and modified units that do not negatively impact the City of Hamilton’s service level standards

	<ul style="list-style-type: none"> Delegated authority to determine remedies for projects in difficulty when no costs to the City are incurred. <p>All other Service Manager Consents continue to be reviewed and approved by Council, including other issues relating to mortgage, sale and development of housing projects listed under the Housing Services Act that result in encumbering the property or changing the number of units in the property.</p>
<p>Areas where Ministerial Consent is required (Ministerial Consent)</p>	<p>A Ministerial Consent is required for the following:</p> <ul style="list-style-type: none"> transfer of certain housing projects, where the Service Manager has obtained court appointment of a receiver for the Housing Provider, or where members of the Housing Provider’s Board of Directors have been replaced by the Service Manager. for Local Housing Corporation requests to opt-out of the mandated Housing Services Corporation’s bulk natural gas or insurance programs <p>Note: The Service Managers are required;</p> <ul style="list-style-type: none"> (i) under Section 35.1 the <i>Housing Services Act, 2011</i> to give the Ministry of Municipal Affairs and Housing written notice within 30 days of giving consent under clause 32 (a), 33 (1)(a), 34(a) or 35 (a); and, (ii) section 163 (i) a written notice within 10 days of giving consent under subsection 161 (2) or 162 (2), (iii) give the Minister written notice at least 45 days before giving a consent under subsection 161 (2) or 162 (2) to transfer the housing project or the land where it is located. This applies to where a housing project is subject to a mortgage guaranteed by the Province of Ontario or the Ontario Mortgage and Housing Corporation.
<p>Required Format for Submitting a request for Service Manager Consent</p>	<p>Requests for Service Manager consent approval, including Delegated Authority approval, must be submitted to City staff in a Business Case format provided in Appendix ‘A’</p> <p>The Housing Provider must compile all information that supports the consent request as outlined in the Business Case Template.</p> <p>Housing Providers must submit the business case and supporting documentation in writing or via electronic mail to their assigned Housing Officers. If submitting in writing, please send to the attention of your Housing Officer at the following address:</p> <p style="text-align: center;">Social Housing Administration 350 King St, E Suite 110 Hamilton ON, L8N 3Y3</p> <p>Electronic copy submissions should be sent directly to your Housing Officer with the email subject line: Service Manager Consent Request</p>

<p>Responsibilities And Approval Process</p>	<p><u>Step 1:</u></p> <p>Upon receipt of a complete Service Manager Consent request, City of Hamilton Staff will send an email or letter acknowledging receipt of the request.</p> <p><u>Step 2:</u></p> <p>Staff will assess such request using the following considerations where applicable:</p> <ul style="list-style-type: none"> • How will tenants be affected by the proposed request? • How will the interests of affected residents and their families be protected? • How will the Service Manager continue to meet its Service Level Standards as per the <i>Housing Services Act, 2011</i>? • How will the revenues generated through the sale be used? • How will the proposed sale impact the overall supply of social and affordable housing? • Are there potential mortgage implications? • How does the request align to Hamilton's Official Plan? • Does the request require approval from City of Hamilton Council? • Does the request require approval from the Ministry of Municipal Affairs and Housing? <p><u>Step 3:</u></p> <p>Upon completion of the assessment phase, Staff will do one or more of the following:</p> <ul style="list-style-type: none"> • approve the consent request as is, or • deny the consent request, • approve the consent request with further conditions, • consult with the City of Hamilton's Legal Services Division • submit a request to City of Hamilton Council if Service Manager Consent is required • obtain necessary Council Resolution approving the consent request or approval of delegated authority consent if applicable and/or • submit a request to the Ministry of Municipal Affairs and Housing (MMAH) when there are matters that require Ministerial Consent. <p>There may be follow-up discussions/meetings between the Housing Provider and Service Manager to discuss the Consent request.</p> <p>Each Service Manager Consent Request will be assessed individually on a case-by-case basis.</p> <p>The Service Manager will provide a written decision to the Housing Provider in a timely manner once all information has been obtained.</p> <p>Under this policy, the Service Manager's response to a Housing Provider Consent request will be final and not appealable.</p>
<p>Compliance</p>	

	<p>As provided in the Policy Context section above, this Service Manager Consent Policy and Procedure complies with the prescribed requirements outlined in <i>Housing Services Act 2011, sections 32 – 35, section 140 (specific to Public Housing) and sections 161-165 of O.Reg 367/1</i> and other delegated authorities.</p> <p>Housing Providers must follow the conditions identified in the Service Manager Consent Approval or Denial notice.</p> <p>Under this policy, Housing Providers must request consent for Service Manager for all decisions outlined in the Service Manager Consent Authority section above.</p> <p>This policy will be monitored Annually by City Staff during the review of the Audited Financial Statements (AFS) and Annual Information Return (AIR) as well as during Housing Provider Operational Reviews.</p>
Questions	<p>If you have any questions or require further interpretation of the contents of this Policy and Procedure, please contact your Housing Administration Officer at the City of Hamilton.</p>
References	<p><u>Guide for Service Manager Consents under the <i>Housing Service Act, 2011</i></u> <u>Housing Services Act, 2011</u> <u>Promoting Affordable Housing Act, 2016, S.O. 2016, c.25 – Bill 7</u> <u>Service Manager and Ministerial Consents under the Housing Services Act</u></p>
Appendences	<p><u>Appendix ‘A’ Business Case Format</u></p>  <p>Business Case - Format.docx</p>
Approval	<p>Updated by: Elissa Press Original Author: Kamba Ankunda, Senior Policy Analyst Manager Name: Brian Kreps, Manager Social Housing Administration Director Name: Michelle Baird, Director Housing Services Date: 2023-July-19</p>



City of Hamilton – Social Housing Division
 Required Housing Provider Reporting, 2024

Programs	Quarter 1			Quarter 2			Quarter 3			Quarter 4			
	April	May	June	July	August	September	October	November	December	January	February	March	
Capital Repair Funding Municipal Capital Grant Poverty Reduction Fund (PRF) Canada- Ontario Community Housing Initiative (COCHI)			June 30: Quarterly Status Report for all repair projects			Sep 30: Quarterly status report for all repair projects		Nov 1: All signed funding agreements due	Dec 31: Quarterly Status Report for repair projects			Mar 31: Quarterly Status Report for all repair projects	
		Mar- Apr: Capital Funding Call for Applications							Dec 1: COCHI PIFS due			Mar- Apr: Capital Funding Call for Applications	
													Mar 1 Completion report & final invoice for COCHI projects
										Dec 11: CHH PRF Ledger			

	Programs	Quarter 1			Quarter 2			Quarter 3			Quarter 4		
		April	May	June	July	August	September	October	November	December	January	February	March
	Ontario Priorities Housing Initiative (OHPI)												Mar 31: OPHI AORS due (for previous year: Jan1-Dec31)
	Rapid Housing Initiative (RHI) Funding	Apr 15: Quarterly Attestation report for RHI projects under construction (Jan1-Mar31 expenses)			July 15: Quarterly Attestation report for RHI projects under construction (Apr1-Jun30 expenses)			Oct 15: Quarterly Attestation report for RHI projects under construction (Jul1-Sep30 expenses)			Jan 15: Quarterly Attestation report for RHI projects under construction (Oct1-Dec31 expenses)		Mar 31: Annual Attestation reports for completed projects
													Mar 31- Annual Occupancy Report