



**Absence from Rent-Geared-to-Income and Rent Supplement Units Policy**

**POLICY STATEMENT**

The City of Hamilton as Service Manager under the *Housing Services Act, 2011* (HSA) is required to establish and administer local policies and procedures for social housing and housing programs in Hamilton, including eligibility rules about absences from a rent-geared-to-income (RGI) housing unit. The local rules can specify either/or both the maximum number of consecutive days and/or the maximum days in a year that a household can be absent from their unit.

A household must occupy the housing unit to be eligible for a RGI subsidy or rent supplement. A household will be found ineligible for a RGI subsidy or rent supplement if all members of the household are absent from the unit for:

- a total of 120 days within a 12 month period which begins at the start of the first absence

Circumstances under which a household may be eligible for a longer absence period are outlined in the Exceptional Circumstances section.

**PURPOSE**

To establish limits on the amount of time a household can be absent from their unit and continue to be eligible for RGI subsidy, rent supplement or housing allowance.

**SCOPE**

The Absence from Units policy applies to situations in which all members of a household are absent from the rent-geared-to-income, rent supplement, or housing allowance unit. This policy addresses:

- the permitted time period for an absence from the unit;
- exceptional circumstances under which the time period for an absence from the unit can be extended, including a serious medical condition, and;
- requirements for administering the policy.

**DEFINITIONS**

***Exceptional Circumstances***

Exceptional circumstances may include, but are not limited to:

- Illness/death of an immediate relative (spouse/partner, child, parents, siblings or legal guardian)
- To attend to/care for an ill or dying family member, deal with legal matters regarding a recently deceased family member or to seek medical treatment not available in Hamilton
- Incarceration, which for this policy includes:
  - Awaiting trial and not convicted
  - Serving time due to a conviction

**Note:** Being convicted of a criminal offence does not make someone ineligible for RGI subsidy (unless it is a RGI fraud or misrepresentation conviction). This Absence from Unit policy applies if the tenant will be incarcerated longer than 120 days – therefore, a Provider may extend the 120 timeframe.



**Serious medical condition**

A serious medical condition shall include any serious medical condition, including cancer and kidney disease that may require extensive medical treatment and therefore absence from the unit.

**TERMS & CONDITIONS**

**Permitted Absences**

All members of a household may be absent from a RGI or rent supplement unit for a maximum of 120 days within a twelve month period, unless the household:

- is determined by Housing Services Division staff as Service Manager to be experiencing exceptional circumstances, or
- meets the exemption criteria of a serious medical condition.

**NOTE:** A student who is away at school, but otherwise lives in the home is not considered to be absent.

The household is **not** considered to be absent from the unit if:

- not all members are absent from the unit more than 120 days;
- the household has only one member who is absent for medical reasons; or,
- all other members need to be accommodated elsewhere because of one members absence for medical reasons.

**Exceptional Circumstances for Absence Extension**

**For RGI subsidized units through a Social Housing Provider:**

If the Housing Provider is satisfied there are exceptional circumstances, the household will continue to be eligible for RGI subsidy and the Housing Provider may extend the permitted absence up to a total of 180 days.

**For rent supplement/housing allowance units:**

If the Housing Services Division staff is satisfied there are exceptional circumstances, the household will continue to be eligible for their rent supplement or housing allowance; the absence may be extended up to a total of 180 days.

**Exemption from Policy – Serious Medical Condition**

If someone in the household is experiencing a serious medical condition that causes absence of the household from the unit for more than 120 days:

- The serious medical condition must be documented where possible;
- The household is not considered to be absent from the unit, and;

The household may be required to submit medical documentation to verify they are able to return to the unit and live independently, with or without support services within a reasonable period of time.



**Reduction of Rent for Rent Supplement**

**For rent supplement units:**

If a rent supplement household knows that their income will be reduced during a planned period of absence, with proper income documentation Housing Services Division staff may reduce the rent for a specified period of time. Once the absence time period has passed, unless further income documentation is provided, the rent is raised back to the original level.

**Calculation of Rent for RGI units during Absences**

Review the RGI rent payable. If the RGI payable by the household is less than the legislated minimum rent of \$85, charge the household \$85. If during the time of absence, the household has no verifiable source of income, then the minimum rent is charged. Households should be reminded of their obligation to pursuit income, as described in O. Reg. 367/11 s. 31.

**Removal of Subsidy and Notice of Decision**

**For Social Housing RGI subsidized units:**

If a household is determined to be ineligible for RGI subsidized unit under the Absence from Unit policy, within seven business days of the decision, the Housing Provider will issue a Notice of Decision – Subsidy Withdrawal letter that includes:

- Notice that the subsidy will be withdrawn in 90 days
- Date of the decision
- Reason(s) for the decision
- That a review of the decision can be requested, and
- The timeline and process for submitting a request for review of the decision.

Households must be notified of the decision in accordance with the Social Housing Reviews System policy.

**For rent supplement units:**

The Manager of Social Housing will determine if a household is ineligible for a rent supplement unit under the Absence from Unit policy. Within seven business days of the decision, the Housing Services Division staff will issue a Notice of Decision – Subsidy Withdrawal letter that includes:

- Notice that the subsidy will be withdrawn in 90 days
- Date of the decision
- Reason(s) for the decision
- That a review of the decision can be requested, and
- The timeline and process for submitting a request for review of the decision.

The decision that the household ceases to be eligible for a rent supplement is subject to review. Households must be notified of the decision in accordance with the Notice to Tenant Policy and Social



Housing Review System policy.

**RESPONSIBILITIES**

Housing Services Division staff and Housing Provider staff must document the reasons for an Exceptional Circumstances for Absence Extension and/or Exemption from Policy – Serious Medical Condition in the RGI tenant/co-op member’s file or in the rent supplement tenant’s file whichever the case.

A household that is absent from the unit is still expected to pay monthly rent on time.

Housing Providers must develop an internal procedure for monitoring absences in a consistent manner.

Housing Providers and Housing Services Division staff are expected to use discretion and fairness in the application of this policy and to make exceptions where extenuating circumstances exist. All exceptions and extenuating circumstances must be documented.

Housing Providers should ensure households are provided with a copy of the Housing Provider’s Absence from Unit policy at the time of move-in and upon request.

**COMPLIANCE**

As outlined in the Terms and Conditions section, this Absence from Unit policy complies with the prescribed requirements in the *HSA, section 37 of O.Reg 367/11* which permits the Service Manager to establish a local rule setting the maximum number of days a household is allowed to be absent from the unit for which the household receives rent-geared-to-income (RGI) assistance, and provides that a member of a household who is absent for a medical reason is deemed not to be absent.

Documentation verifying the circumstances must be kept on the tenant’s file, including:

- Nature of the **exceptional circumstances**, and/or
- Verification of the **serious medical condition**
- Beginning and end dates of exemption and approval of absence from unit
- All personal information confidential. Only staff who need to see personal information to do their job should have access to it. Housing Providers must have a documented confidentiality policy which complies with the HSA, the Municipal Freedom of Information & Protection of Privacy Act (MFIPPA) and Personal Information Protection and Electronic Documents Act (PIPEDA).

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| <b>Housing Services Division Policy</b> | <br>Hamilton  | Content Updated: 2017-06-13           |
| <b>Social Housing Administration</b>    |  | <b>Housing Services</b>               |
| <b><i>Absence from Units</i></b>        |  | <b>RGI and Rent Supplement Guides</b> |
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|   | Housing Administration Officer monitors compliance with this policy through operational reviews submitted by the Housing Providers. Compliance is also monitored by the Housing Services Division staff who administers the rent supplement and housing allowance program. |                                       |
| <b>HISTORY</b>                          | Housing Providers and Housing Services Division staff were consulted during the development of this policy.  |                                       |
| <b>Approval</b>                         | Authors: Tammy Morasse, Senior Policy Analyst<br>Kirstin Maxwell, Program and Policy Specialist<br>Manager: Adam Sweedland, Manager of Social Housing<br>Director: David Brodati, Acting Director – Housing Services   |                                       |