

***Conflict of Interest Policy***

**POLICY STATEMENT**

The HSA permits the City of Hamilton to establish a conflict of interest standard for all Housing Providers.

The City of Hamilton, as Service Manager under the *Housing Services Act, 2011* (HSA), is required to establish and administer local policies, rules and procedures for Housing Providers within its service area.

All Housing Providers who adhere to the Housing Services Act, 2011 and/or have an agreement with the City of Hamilton must have a Conflict of Interest policy or bylaw.

**PURPOSE**

To establish the standard that a director, officer, agent or employee of a Housing Provider shall not enter into any situation, arrangement or agreement which results in a Conflict of Interest, and;

To identify Conflict of Interest situations for Housing Provider directors, officers, agents or employees and to determine the appropriate actions to be taken by a Housing Provider when a real or perceived conflict of interest is identified.

**SCOPE**

The City of Hamilton hereby establishes Conflict of Interest standards for all Housing Providers in its designated service area as set out within this policy.

A Conflict of Interest or perceived Conflict of Interest is any situation where the personal or business interests of a Board Member are or may be in conflict with the best interest of the Housing Provider. Conflict of Interest provisions apply to any Director, Officer, Agent or Employee of a Housing Provider.

A Conflict of Interest exists if any of the above people:

- Have business or personal interests that are in conflict with the interests of the Housing Provider, and/or;
- Receive themselves, or have a relative or business associate that receives, a direct or indirect personal gain, benefit, advantage or privilege as a result of a Housing Provider decision, and/or;
- Have a perceived conflict of interest.

For the purposes of this policy, a person related to a director, officer, agent or employee includes a parent, spouse, child, household member, sibling, uncle, aunt, nephew, niece, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandparent, or a person with whom the director, officer, agent or employee has a business relationship.



**DEFINITIONS**

***Conflict of Interest Bylaw***

A bylaw which defines conflict of interest and guides the conduct of Housing Provider employees, directors, and contractors when situations of conflict of interest arise.

***Housing Provider***

a Non-Profit or Co-operative organization that provides social housing; the City of Hamilton, Housing Services Division acts as the Housing Provider for the Rent Supplement program

***Service Manager***

The City of Hamilton is the Service Manager designated to administer and fund the social housing program in Hamilton.

***Child***

In relation to an individual, means a child of the individual born within or outside marriage, a child adopted by the individual, and a child whom the individual has demonstrated a settled intention to treat as a child of his or her family, but does not include a child placed in the individual's home as a foster child

***Parent***

In relation to an individual, means a natural parent of the individual, an adoptive parent of the individual and a person who has demonstrated a settled intention to treat the individual as a child of his or her family

***Spouse***

In relation to a person, means:

- a. an individual who, together with the person, has advised the Housing Provider that the individual and the person are spouses, or
- b. an individual who is residing in the same dwelling place as the person, if the social and familial aspects of the relationship between the individual and the person amount to cohabitation and,
  - i. the individual is providing financial support to the person,
  - ii. the person is providing financial support to the individual, or
  - iii. the individual and the person have a mutual agreement or arrangement regarding their financial affairs
- c. an individual who is legally married.

**TERMS & CONDITIONS**  
***Conflict of Interest Bylaw***

Every Housing Provider under this policy must have a Conflict of Interest Bylaw which contains, at a minimum, the requirements of the local standard including background and definitions along with a clear set of rules and business practices relating to avoiding conflict of interest or perceived conflict of interest, Board procedures and promoting fair and objective business practices.



***Conflict of Interest Acknowledgement and Declaration***

Every director, officer, agent and employee of the Housing Provider shall sign a Conflict of Interest Declaration form indicating they have:

- read and understand the Housing Provider's Conflict of Interest bylaw and acknowledge that the Housing Provider is required to comply with it
- acknowledge their responsibility to disclose to the Board
- acknowledge their responsibility to disclose to the Housing Provider in writing, on an ongoing basis, any actual or perceived conflict of interest which may arise during their relationship with the Housing Provider.

***Conflict of Interest Situations***

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A real or perceived Conflict of Interest exists if:

- i. The personal or business interest(s) of a director, officer, agent or employee of a Housing Provider is sufficient to influence or appear to influence, their ability to carry out their duties on behalf of the Housing Provider in a fair and objective manner
- ii. A personal gain, benefit, advantage or privilege is directly or indirectly given to or received by a director, officer, agent or employee of the Housing Provider or a person related to one of them as a result of a decision by the Housing Provider.

A director, officer, agent or employee of the Housing Provider shall not enter into any situation, arrangement or agreement which could result in a conflict of interest or the appearance of a conflict of interest.

***Perceived Conflict of Interest***

A perceived conflict of interest is when someone looking in from the outside perceives that a board member used his or her influence to get the board to make a decision that favoured an individual, group or business which the board member has affinity.

***Duty to Monitor and Report***

Each director, officer, agent and employee of the Housing Provider must identify and disclose circumstances, if they have knowledge of a decision or activity that involves a real or perceived conflict of interest.



**Notice of Conflict of Interest**

Anyone who may be in conflict of interest must notify the Housing Provider’s Board of Directors **by the start of the next regularly scheduled** Board meeting.

At every board meeting, general members’ meeting or Annual General Meeting, the opportunity to declare an actual or potential Conflict of Interest should be a standing agenda item. This will allow the Board to immediately consider the matter for resolution.

Directors, officers, agents and employees of the Housing Provider who have disclosed a real or perceived conflict of interest to the Board Chair cannot be involved in decisions related to the conflict.

Both the notice and the resolution of the conflict of interest must be noted in the minutes of the Board meeting in which the conflict was considered.

**Record Keeping**

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The Housing Provider shall maintain a Conflict of Interest file containing:

- Conflict of Interest Bylaw
- Copies of all signed Conflict of Interest Acknowledgement and Conflict of Interest Declaration forms
  - Conflict of Interest Acknowledgement Forms indicate each director, officer, agent or employee of the Housing Provider has read and understands the Housing Provider’s Conflict of Interest policy or bylaw
  - Conflict of Interest Acknowledgement Forms must be signed on an annual basis
- All reports, minutes and any other appropriate documentation pertaining to actual or potential conflict of interest and perceived conflict situations (including the process undertaken by the Housing Provider and/or Service Manager to resolve the Conflict of Interest)
- Written notification from the Board Chair to the Service Manager (Housing Administration Officer) of every notice of a real or perceived Conflict of Interest

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| <b>RESPONSIBILITIES</b> | <p>Directors, officers, agents and employees of the Housing Provider must notify the Housing Provider Board of Directors Chair of every potential or actual conflict of interest no later than the first meeting of the board after he or she becomes aware of a situation, arrangement or agreement which results in or may result in a conflict of interest.</p> <p>The Board of Directors shall consider the notice no later than the second meeting of the board after the notice is given and consideration of the notice must be reflected in the minutes of the meeting.</p> <p>The Chair of the Board must notify the Service Manager in writing within 30 days of the receipt of every notice and the Board of Directors shall resolve every Conflict of Interest or potential Conflict of Interest to the satisfaction of the Service Manager.</p> <p>Conflict of Interest provisions:</p> <ul style="list-style-type: none"> <li>• Prohibit any Directors, Officers, Agents or Employees of a Housing Provider from entering into a situation, arrangement or agreement which results in a conflict of interest</li> <li>• Require that the Housing Provider’s Board of Directors be notified of all potential or actual conflict of interest</li> <li>• Require that the Housing Provider’s Board of Directors consider all declarations of potential or actual conflicts of interest no later than the second Board meeting after notice is given, and that this consideration be noted in the minutes</li> <li>• Require the Board of Director’s to advise the Service Manager of any potential or actual conflict of interest notice they receive</li> <li>• Require the Board of Directors to resolve all conflicts of interest to the satisfaction of the Service Manager.</li> </ul> |
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| <b>COMPLIANCE</b> | <p>Housing Providers must pass a <u>Conflict of Interest Bylaw or policy</u> through a Board motion which is recorded in the Board minutes. A copy of this policy shall be retained with the corporate bylaws and made available for reference and review.</p> <p>Any time a Housing Provider Conflict of Interest Bylaw or policy is revised, a draft of the new Conflict of Interest Bylaw or policy must be submitted to the Service Manager, Housing Administration Officer within 30 days for review.</p> <p>A Housing Provider must edit the revised Conflict of Interest Bylaw or policy based on Service Manager feedback and recommendations if there are any.</p> |
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| <b>Housing Services Policy</b>       | <br><b>Hamilton</b>  | Content Updated: 2017-06-14 |
| <b>Social Housing Administration</b> |   | <b>Housing Services</b>     |
| <b>Conflict of Interest</b>          |   | <b>RGI Guide</b>            |
| Page 6 of 6                          |   | Approval: 2017-06-21        |
|                                      | <p>The new/revised Conflict of Interest Bylaw or policy must then be passed through the Board of Directors and a copy of the Board approved Bylaw or policy must be given to the Service Manager, Housing Administration Officer within 30 days of Board approval.</p> <p>Housing Administration Officers review Conflict of Interest documentation during the Operational Review process and when a real or perceived Conflict of Interest is declared.</p> <p><i>Housing Services Act, 2011 s. 75; Ontario Regulation 367/11, s.100</i></p>   |                             |
| <b>HISTORY</b>                       | <p>This policy is consistent with the Ontario Non-Profit Housing Association Conflict of Interest policy bylaw template and information provided by the Co-operative Housing Federation of Canada.</p> <p>A Communique, with bylaw template, was issued on <b>&lt;insert date&gt;</b> which directed Housing Providers to pass a revised Conflict of Interest Bylaw or policy which complies with this policy and to provide a copy to the City of Hamilton, Housing Services Division, in either written or electronic formant along with a copy of the Board motion and minutes no later than <b>&lt;insert date&gt;</b>.</p> |                             |
| <b>Approval</b>                      | <p>Author Name: Tammy Morasse, Senior Policy Analyst<br/> Manager Name: Adam Sweedland, Manager of Social Housing<br/> Director Name: David Brodati, Director of Housing Services<br/> Date: 2017-06-21</p>   |                             |