

DNSSAB Housing Services
Local Housing Policy

LHP - 2020-20

SUBJECT:	Special Needs Housing – System for Selecting Waiting Households		
DATE of ISSUE TO HOUSING PROVIDER:			
IMPLEMENTATION DATE:	January 1, 2021	APPROVED BY:	DNSSAB Supervisor
REVISION DATE(S):	January 1, 2020	SIGNATURE:	<small>DocuSigned by:</small> <i>Dee Johnson</i> <small>09F24F2BF3B442F...</small>
ASSOCIATED DOCUMENT(S):			
RELATED POLICY(IES):			
ISSUED TO:	<input type="checkbox"/> Federal Section 95 Private Non-Profit Housing Program <input type="checkbox"/> Federal Section 26/27 Housing Program <input type="checkbox"/> Federal Urban Native Non-Profit Housing Program <input checked="" type="checkbox"/> Private Non-Profit Housing Program <input checked="" type="checkbox"/> Municipal Non-Profit Housing Program (Pre-1986) <input checked="" type="checkbox"/> Local Housing Corporation <input type="checkbox"/> Affordable Housing/Investment in Affordable Housing/Social Infrastructure Fund Program <input type="checkbox"/> DNSSAB Rent Supplement Programs <input type="checkbox"/> DNSSAB Housing Access		

PURPOSE

To inform all Special Needs Housing Administrators of the local rule, background and compliance standard under the Housing Services Act, 2011 (HSA) and associated regulations related to special needs housing – system for selecting waiting households.

BACKGROUND

Under *O. Reg 367/11, s.75-77* of the Housing Services Act, 2011 s. 62 it is indicated that Service Managers shall establish a system for selecting households from those waiting for special needs housing.

The HSA requires each Special Needs Housing Administrator to have a system for selecting households from those waiting for special needs housing in the Administrator's housing project.

LOCAL RULE

The DNSSAB requires Special Needs Housing Administrators to put in place a system for selecting households from those waiting for special needs housing in the Administrator's housing project.

The DNSSAB has determined the local rule to remain as the provincial default, The Housing Services Act, 2011 s. 62 to include *O. Reg 367/11, s.75-77*.

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The following has been reproduced from the regulation:

75. (1) A Special Needs Housing Administrator's system for selecting households must include a waiting list for each housing project and the system must include rules that provide for the following:

1. Upon the Administrator determining that a household is eligible for special needs housing, the household shall be added to the list for each project for which the household has indicated a preference.
2. A household shall also be added to a list if the household:
 - i.* is occupying special needs housing in the Administrator's housing projects, *and*
 - ii.* has applied to be added to the list because the household wishes to be transferred to a unit in the housing project to which the list relates.
3. An application under subparagraph 2 *ii* shall be made to the Administrator and must include the information and documents required by the Administrator and must be in a form authorized by the Administrator.
4. A household shall be removed from the list if:
 - i.* the household requests to be removed, *or*
 - ii.* the household ceases to be eligible for special needs housing, *or*
 - iii.* the household has accepted an offer of special needs housing in the Administrator's housing projects.
5. The Administrator shall determine, from time to time, whether a household that is on the list is still eligible for special needs housing. *O. Reg. 367/11, s. 75 (1).*

75.(2) The Special Needs Housing Administrator shall ensure that the households that were on the special needs waiting list for a housing project maintained under the former Act immediately before the coming into force of this section are on the initial waiting list for that project required under this section. *O. Reg. 367/11, s. 75 (2).*

76. (1) A Special Needs Housing Administrator's system for selecting households must include rules that provide for the following in relation to the selection of a household for a vacant unit in a housing project:

1. The household shall be selected from the waiting list for the project required under section 75.
2. If the Housing Provider provides provincially funded support services in respect of the unit, the Housing Provider must select a household that requires those services.

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3. If the unit has accessibility modifications, the Housing Provider must select a household that requires those modifications.
4. If the Housing Provider provides provincially funded support services in respect of the unit and the unit has accessibility modifications, the Housing Provider must select a household that requires both those services and those modifications.
5. A selection under paragraph 2, 3 or 4 shall be made, in accordance with the Administrator's determination of priority under section 63 of the Act, from among the relevant households.
6. For the purposes of paragraph 5, the selection of a household in accordance with the Administrator's determination of priority under section 63 of the Act shall be made using one of the following methods, as determined under the Administrator's system for selecting households:
 - i. by selecting the highest priority household from among the relevant households, *or*
 - ii. after information about the vacancy has been made available to the relevant households, by selecting the highest priority household from among the relevant households that express interest within the specified time period.
7. If the method under subparagraph 6 *i* is used, a household with a lower priority may be selected if every other relevant household with a higher priority has been given an offer but has not accepted within a reasonable time.
8. If the method under subparagraph 6 *ii* is used, a household with a lower priority may be selected if every other relevant household with a higher priority that expressed interest within the specified time period has been given an offer but has not accepted within a reasonable time. *O. Reg. 367/11, s. 76 (1); O. Reg. 101/14, s. 1.*

(2) In subsection (1),

"relevant household" means, in relation to a vacant unit, a household that is on the waiting list for the project required under section 75 and that can be selected under paragraph 2, 3 or 4 of subsection (1). *O. Reg. 367/11, s. 76 (2).*

77. (1) A Special Needs Housing Administrator's system for selecting households must include rules that permit a Housing Provider, despite any other rule, to not offer a household a unit in any of the following circumstances:

1. The Housing Provider has a mandate under section 76 of the Act and offering the unit to the household would be contrary to that mandate.

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2. The Housing Provider has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfil its obligations to pay rent for the unit in the amount and at the times the rent is due.
3. The Housing Provider is a non-profit housing co-operative and the household does not agree to accept its responsibilities as a member of the Housing Provider or the Housing Provider has reasonable grounds to believe that the household will not accept or will be unable to accept those responsibilities.
4. The unit is one in which individuals will reside in a shared living situation and the Housing Provider has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation.
5. The level of support services that are provided in respect of the unit is significantly greater or significantly less than the level of support services required by the household.
6. All of the following criteria are satisfied:
 - i.* Within the past five years:
 - a. the tenancy of a member of the household was ordered terminated by the Landlord and Tenant Board based on a notice of termination given under section 61 of the Residential Tenancies Act, 2006, *or*
 - b. the occupancy of a member of the household in a member unit of a non-profit housing co-operative was ordered terminated by the Landlord and Tenant Board based on a notice of termination given under paragraph 5 of section 94.2 of that Act.
 - ii.* The tenancy or occupancy that was ordered terminated was in a designated housing project.
 - iii.* The order terminating the tenancy or occupancy has not been cancelled under section 21.2 of the Statutory Powers Procedure Act or overturned under section 210 of the Residential Tenancies Act, 2006.
 - iv.* The order terminating the tenancy or occupancy was grounded on an illegal act, trade, business or occupation involving one or more of the following:
 - a. An illegal act, trade, business or occupation described in clause 61 (2) (a) or 94.4 (4) (a) of the Residential Tenancies Act, 2006.
 - b. The illegal production, distribution or sale of cannabis.
 - c. The trafficking of persons.
 - d. The use or attempted use of physical violence against another person.

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- e. Physical harm, attempted physical harm, or a risk of physical harm to another person.
- f. The use of threats to, intimidation of, or harassment of another person.
- v. The Housing Provider has reasonable grounds to believe that accommodating the household would pose a risk to the safety of one or more other persons at the housing project. *O. Reg. 367/11, s. 77 (1); O. Reg. 318/19, s. 11.*

77.(2) The Special Needs Housing Administrator's system for selecting households must include rules that provide for the following if a Housing Provider refuses, under a rule under subsection (1), to make an offer to a household that it would otherwise have been required to make:

1. The Housing Provider shall notify the household of the refusal.
2. If the household so requests, the Housing Provider shall review the decision to refuse to make the offer.
3. The rules under paragraphs 1 and 2 apply only to the first refusal by a Housing Provider to make an offer to a household and not to subsequent refusals by the Housing Provider with respect to the same household. *O. Reg. 367/11, s. 77 (2).*

ACTION

That Special Needs Housing Administrators implement the new Local Housing Policy - *Special Needs Housing – System for Selecting Waiting Households* - LHP - 2020-20.

AUTHORIZATION

Original signed by:

DocuSigned by:

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Stacey Cyopeck

Director, DNSSAB Housing Programs

Date: 6/10/2021

Replaced By Policy #

Retirement Date: