



Local Rules Windsor Essex

pursuant to the

Housing Services Act and Related Regulations

Effective November 30, 2020

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Section 1

Ranking and Selection System - Rent-Geared-to-Income Assistance

Centralized Wait List & Overhoused Transfer List

1. The Windsor/Essex service manager's system for selecting households includes a centralized wait list and an overhoused transfer list for the Windsor/Essex service area. The function of the centralized wait list and the overhoused transfer list is delegated to the Windsor Essex Community Housing Corporation. The centralized wait list and the overhoused transfer list shall be managed by the Central Housing Registry-Windsor Essex County (CHR). The system includes the following rules:
 - (a) a household shall be added to the centralized waitlist upon the CHR determining that the household is eligible for rent-geared-to-income assistance.
 - (b) a household shall be added to the overhoused transfer list if the household,
 - (i) occupies a unit that is larger than the largest unit in respect of which the household is eligible to receive rent-geared-to-income assistance
 - (ii) occupies a unit operated by a different housing provider in the service area,
 - (iii) is already receiving rent-geared-to-income assistance; and
 - (iv) has requested a transfer to a unit operated by a different housing provider in the service area.
 - (c) an application under Section 1 – Centralized Wait List & Overhoused Transfer List, paragraph 1, subsections (a) and (b) shall be made to the CHR and must include the information and documents required by the CHR and be in a form authorized by the service manager.
 - (d) a household shall be removed from the list if,
 - (i) the household requests to be removed,
 - (ii) the household ceases to be eligible for rent-geared-to-income assistance, or
 - (iii) the household has accepted an offer of rent-geared-to-income assistance within the service area,
 - (iv) the household has accepted a portable housing benefit, or
 - (v) the household has refused one offer for a rent-geared-to-income unit subject to the provisions of Section 9 – Refusal of an Offer.
 - (e) Section 1 – Centralized Wait List & Overhoused Transfer List, paragraph 1 subsection (d) (iii) does not apply to the acceptance of,
 - (i) an offer of emergency shelter, or
 - (ii) an offer of temporary housing that is provided while one or more members of the household are receiving treatment or counselling.
 - (f) for each household on the list, the CHR shall determine, at least once in every 12 month period after the household was added to the list, whether the household is still eligible for rent-geared-to-income assistance.
 - (g) if a household so requests, the CHR may temporarily remove a household from the list for a period of time agreed upon by the CHR and the household.
 - (h) the CHR shall reinstate a household temporarily removed from the list under Section 1 – Centralized Wait List & Overhoused Transfer List, paragraph 1, subsection (g), using the original date of the application if,
 - (i) the period of time, referred to in subsection (g), has expired, or

(ii) the household requests to be reinstated.

Determination of Ranking Date

2. A household ranks higher than another household with a later ranking date.
3. The ranking date for a household that was added to the centralized wait list under Section 1 – Centralized Wait List & Overhoused Transfer List, paragraph 1, subsection (a) is the date the household applied for rent-geared-to-income assistance.
4. The ranking date for a household indicating a preference for a housing project after the determination that the household is eligible for rent-geared-to-income assistance is, with respect to the housing project(s) selected, the date the household applied for rent-geared-to-income assistance as determined under Section 1 – Determination of Ranking Date, paragraph 3 above.
5. The ranking date for a household that was added to the centralized wait list under Section 8 - Overhoused Rule is the date the overhoused household applied for rent-geared- to-income assistance before first beginning to receive rent-geared-to-income assistance.
6. The ranking date for an RGI household added to the centralized wait list for a transfer to a unit will be as follows:
 - (a) for choice transfers, the date the household requested a transfer to another unit in the service manager’s service area; or
 - (b) if the household occupies a unit provided by an alternative housing provider under its mandate to provide housing to homeless or hard to house households, the date the household applied for rent-geared-to-income assistance before first beginning to receive rent-geared-to-income assistance.
7. Despite the ranking dates set out in this Section, the ranking date for a household that is eligible for rent-geared-to-income assistance under a category established by the local priority rules established by the service manager is the date determined by the service manager for the local priority household category.

Determination of Priority Ranking

Special priority households

8. Despite Section 1 – Determination of Ranking Date, paragraph 3, a special priority household as well as a special priority household on the overhoused transfer list both rank higher than another household that is not a special priority household.
9. The special priority ranking date is the date the household requested to be included in the special priority household category.

Selection of RGI households for vacant units

10. When selecting a household for a vacant unit where the household will be receiving rent-geared-to-income assistance, the following rules apply:
- (a) The household shall be selected from the Windsor/Essex centralized wait list and in accordance with the order of the CHR ranking priority except as provided under Section 1 – Determination of Priority Ranking, paragraph 10 subsections (d) (e) and (f).
 - (b) The Windsor/Essex CHR priority ranking is as follows:
 - **Priority I** Special Priority Placement (SPP) as defined in the Housing Services Act Regulations. Priority I applications will be ranked in chronological order by date of application within the Priority I category.
 - **Overhoused Transfer List** contains all overhoused households within the Windsor-Essex Service Area eligible for a transfer to a unit that is of a size permissible under the service manager’s occupancy standards. The overhoused transfer list will be ranked in chronological order by the original date the household first made application for rent-geared-to-income assistance.
 - **Priority II** as defined by the service manager. Priority II applications will be ranked in chronological order by date of application within the Priority II category.
 - **Priority III** is defined as households that are not eligible for Priority I, the overhoused transfer list, or Priority II status. Priority III applications will be ranked in chronological order by date of application within the Priority III category.
 - (c) For the purposes of Section 1 – Determination of Priority Ranking, paragraph 10 subsection (a), the selection of a household in accordance with the CHR’s determination of priority shall be made by selecting the highest priority household from among the relevant households. “Relevant household” means, in relation to a vacant unit, a household that has expressed a preference for the housing project where the unit is located and for whom the size and type of the vacant unit is permissible under the service manager’s occupancy standards.
 - (d) 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.
 - (e) The housing provider may select a household, regardless of whether or not the household is on the centralized wait list or the overhoused transfer list if the household,
 - (i) occupies another unit operated by the housing provider in the service area and;
 - (ii) is already receiving rent-geared-to-income assistance, and
 - (iii) has requested a transfer to another unit operated by the housing provider in the service area.
 - (f) In selecting a household under Section 1 – Determination of Priority Ranking, paragraph 10 subsection (e), the housing provider shall give a household in the special priority household category priority over a household that is not in the special priority household category.

- (g) The housing provider may, with the approval of the service manager, select a household if,
 - (i) the household occupies a unit operated by a different housing provider in the same service area,
 - (ii) the household is already in receipt of rent-geared-to-income assistance, and
 - (iii) the household has requested a transfer to a unit operated by the housing provider in the service area.

Alternative Housing Provider

11. “Alternative housing provider” means a housing provider that has a mandate, under Section 76 of the Housing Services Act, to provide housing to households that are homeless or hard to house.
 - (a) “alternative housing unit” means a unit in a housing project operated by an alternative housing provider that is made available to households that are homeless or hard to house.
 - (b) an alternative housing provider may select a homeless or hard-to-house household to occupy an alternative housing unit, regardless of whether or not the homeless or hard-to-house household is on the centralized wait list if the household is otherwise eligible for rent-geared-to-income assistance.
 - (c) an alternative housing provider is required to obtain the prior written approval of the service manager of a plan that: proposes the number of alternative housing units to be allocated; the process and procedure the alternative housing provider will follow to provide an alternative housing unit to a homeless or hard-to-house household and; any other information the service manager requires to assess and approve the plan.
12. A household may be selected only if the vacant unit is of a size and type that is permissible for the household under the service manager’s occupancy standards.

Conversion from Market to RGI Rent – selection of already accommodated households

13. The housing provider may, with the prior written approval of the CHR based on eligibility, select a household that already occupies a unit in a designated housing project as a household to receive rent-geared-to-income assistance.
14. The CHR’s decision on a conversion from market rent to subsidized rent application shall be made in accordance with the rules made by the service manager.
15. A selection under Section 1 – Conversion from Market to RGI Rent, paragraph 14 shall be made in accordance with the CHR’s determination of priority under the service manager’s rules, from among the households that are on the centralized wait list and that already occupy units in the housing project.

Refusals to Offer by Housing Provider

16. A housing provider, despite any other rule, is permitted to not offer a household a subsidized unit in a housing project in any of the following circumstances:
 - (a) the housing provider has a mandate under Section 76 of the Housing Services Act and offering the unit to the household would be contrary to that mandate.

- (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) a member of the household was previously evicted from a designated housing project through an order by the Landlord and Tenant Board based on an illegal act within the past five (5) years and the housing provider has reasonable grounds to believe that that household would pose a risk to the safety of other people at the housing project.
17. A housing project referred to in Section 1 – Refusals to Offer by Housing Provider, paragraph 16 subsection (a) above is a designated housing project under the Housing Services Act, Ontario Regulation 367/11 i.e., Schedule 1 - Housing programs prescribed for the definition of “transferred housing program” (section 2), with the program category of 1 (a), 1 (b), 6 (a) or (b).
18. If a housing provider refuses, under a rule under Section 1 – Refusals to Offer by Housing Provider, paragraph 16, to make an offer to a household that it would otherwise have been required to make:
- (a) the housing provider shall notify the household of the refusal.
 - (b) if the household so requests, the housing provider shall review the decision to refuse to make the offer.
 - (c) the rules under Section 1 – Refusals to Offer by Housing Provider, paragraphs 16 subsections (a) and (b) 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.

Special Needs Housing

See Housing Services Act, Ontario Regulation 367/11 Sections 68 to 85 inclusive.

19. None of the rules under the following Sections of Regulation 367/11 shall apply with respect to special needs housing:
- (a) Section 47 Selection of RGI Households
 - (b) Section 48 Selection of Already Accommodated Households
 - (c) Section 49 Alternative Housing Provider
 - (d) Section 50 Refusals by a Housing Provider

Section 2

Household to Report Changes

1. A household that has applied to be on the centralized wait list, has been placed on the centralized wait list, or is in receipt of rent-geared-to-income assistance ceases to be eligible for rent-geared-to-income assistance if the household fails to notify the relevant housing organization, in accordance with this section, of a change described in Section 2 – Household to Report Changes, paragraph 4.
2. For a household that has applied to be on the centralized wait list or has been placed on the centralized wait list, the relevant housing organization referred to in Section 2 - Household to Report Changes, paragraph 1 is the Central Housing Registry-Windsor Essex County.
3. For a household in receipt of rent-geared-to-income assistance, the relevant housing organization referred to in Section 2 – Household to Report Changes, paragraph 1 is the housing provider landlord to which the household is required to pay rent.
4. The change referred to in Section 2 – Household to Report Changes, paragraph 1 is a change to any information or document that the household previously provided to the relevant housing organization and that the household was required to provide for the purposes of determining the household’s eligibility or continued eligibility for rent-geared-to-income assistance or for the purposes of determining the amount of rent payable by the household.
5. Subject to Section 2 – Household is to Report Changes, paragraph 6, a notification of a change must be given to the relevant housing organization within 30 calendar days after the change occurs.
6. The relevant housing organization may extend the period of time for notifying the relevant housing organization, either before or after the period has expired on a case by case basis.
7. The household shall notify the relevant housing organization,
 - (a) for a change to a document, by providing a copy of the changed document; and
 - (b) for a change to information, by providing a notice setting out the change.
8. Section 2 – Household to Report Changes, does not apply to a household occupying a unit provided by a housing provider under its mandate under Section 76 of the Housing Services Act to provide housing to households that are homeless or hard to house if the relevant housing organization informs the service manager that the housing organization is of the view that requiring the household to comply with this Section would be inappropriate in the circumstances.
9. Despite Section 2 – Household to Report Changes, paragraph 1, the service manager may determine that the household remains eligible if the service manager is satisfied that there are extenuating circumstances.

Section 3

Pursuit of Income

1. In the case of a household that is receiving rent-geared-to-income assistance, if the housing provider is of the opinion that a member of the household may be eligible to receive income of a type set out in Section 3 – Pursuit of Income, paragraph 2 and the member is not receiving such income, the housing provider shall give the household a written notice outlining the following:
 - (a) stating that the member may be eligible to receive income of the type specified in the notice;
 - (b) requesting the member to apply for that income and to make reasonable efforts to do whatever is required for the purpose of obtaining a decision on the application and receiving that income; and
 - (c) giving the household 30 calendar days within which to inform the service manager of the results of the application.

2. The types of income referred to in Section 3 – Pursuit of Income, paragraph 1 are:
 - (a) Basic financial assistance under the *Ontario Works Act, 1997*.
 - (b) Support under the *Divorce Act (Canada)*, the *Family Law Act* or the *Interjurisdictional Support Orders Act, 2002*.
 - (c) Unemployment benefits under the *Employment Insurance Act (Canada)*.
 - (d) A benefit under Section 2 of the *Ontario Guaranteed Annual Income Act*.
 - (e) A pension or supplement under Part I or II of the *Old Age Security Act (Canada)*.
 - (f) Support or maintenance resulting from an undertaking given with respect to the member under the *Immigration and Refugee Protection Act (Canada)*.

3. A household that has been given a notice under Section 3 – Pursuit of Income, paragraph 1 ceases to be eligible for rent-geared-to-income assistance if the housing provider,
 - (a) receives no response from the household within the period of time specified in the notice; or
 - (b) concludes, on the basis of a response received from the household within the period of time specified in the notice, that the member has failed to make reasonable efforts to obtain income of the type specified in the notice.

4. Despite Section 3 – Pursuit of Income, paragraph 3, the service manager may determine that the household remains eligible if the service manager is satisfied that there are extenuating circumstances.

Section 4

Maximum Household Income Limit (HILS)

1. A household is not eligible for rent-geared-to-income assistance if, and subject to other eligibility criteria, the combined total of all gross income from all Canadian and foreign sources of all members of the household other than income that is excluded by the Housing Services Act and its Regulations, exceeds the Household Income Limits (HILS). Total gross income for all the members of the household for a 12-month period is the sum of all Canadian and foreign payments made to, on behalf of, or for the benefit of, the members of the household.

The Windsor/Essex Household Income Limits are:

Service Manager	Area	Bachelor unit	1 bedroom unit	2 bedroom unit	3 bedroom unit	4 bedroom unit or larger
City of Windsor	City of Windsor and all Municipalities in the County of Essex	\$27,000	\$34,500	\$42,000	\$51,000	\$65,500

Section 5

Asset Limit

There is no asset limit requirement in Windsor Essex as of this time.

Section 6

Previous RGI Criminal Conviction

1. A household is eligible for rent-geared-to-income assistance if, among other criteria,
 - (a) within the two year period immediately preceding the date of the application for subsidized housing, no member of the household has been convicted, of an offence under Section 55 of the Housing Services Act or a crime under the *Criminal Code* (Canada) in relation to the receipt of rent-geared-to-income assistance, and if an individual who was, but is no longer a member of the household has been convicted of such an offence or crime, the service manager determines that,
 - (i) no member of the household knew that the individual who was convicted of the offence or crime was committing it, or

- (ii) a member of the household knew that the individual who was convicted of the offence or crime was committing it, but the member was not reasonably able to prevent the individual from committing it, or
- (iii) a member of the household has been convicted of an offence under Section 55 of the Act or a crime under the *Criminal Code* (Canada) in relation to the receipt of rent-gear-to-income assistance, but the household has previously been determined to be ineligible for rent-gear-to-income assistance because of that conviction; or
- (iv) a member of the household has been convicted of an offence under Section 55 of the Act or a crime under the *Criminal Code* (Canada) in relation to the receipt of rent-gear-to-income assistance within the two year period immediately preceding the date of the application for subsidized housing, but, the service manager determines that the convicted member is an abused member of a special priority household who was forced by the abusing individual to make the misrepresentation that formed the basis of the conviction.

Section 7

Absence Rule

1. A household ceases to be eligible for rent-gear-to-income assistance if all the members of the household are absent from the unit for which the household receives rent-gear-to-income assistance for more than 90 consecutive days. Households absent from the unit for which the household receives rent-gear-to-income assistance for more than 90 consecutive days to receive conventional or alternative medical treatments may remain eligible for rent-gear-to-income assistance provided the housing provider receives adequate documentation to verify the medical reasons and treatment and approves the exemption.
2. The housing provider may, on a case-by-case basis, determine that extenuating circumstances exist and may approve alternate maximum absence period from the unit with the prior written consent of the service manager.

Section 8

Overhoused Rule

1. In this Section,
 - (a) “overhoused household” is a household in receipt of rent-gear-to income assistance and occupies a unit that is larger than the largest size permissible under the service manager’s occupancy standards.

- (b) “overhoused notice” is a written communication from a housing provider to a household notifying the household that the housing provider has determined the household is an overhoused household.
 - (c) “internal transfer” means, in respect of a household residing in a housing project of a housing provider, the transfer of the household from one rent- geared-to-income unit to another rent geared-to-income unit in the same or another housing project of the housing provider.
 - (d) “overhoused transfer list” is the list maintained by the Central Housing Registry - Windsor Essex County that identifies all overhoused households deemed eligible for a transfer to a unit that is of a size permissible under the service manager’s occupancy standards as set out in Section 10 - Windsor Essex Occupancy Standards.
2. An overhoused notice shall be in writing and include the overhoused rules and process the household is required to follow to remain eligible for rent-geared-to- income assistance.
3. A housing provider’s transfer policies shall:
- (a) be documented in writing and clearly describe a housing provider’s policies and procedures for internal transfers, and;
 - (b) include, among other things, the policy, procedure and ranking criteria for overhoused households, and;
 - (c) contain a provision to inform an overhoused household of the housing provider’s internal transfer policy, procedure, ranking criteria and provisions governing applications from overhoused households for the internal transfer list and the overhoused transfer list, and;
 - (d) be approved by the service manager with respect to the policy, procedure, ranking criteria and provisions governing applications from overhoused households for the housing provider’s internal transfer list and the overhoused transfer list.
4. The ranking date of an overhoused household that is eligible to be placed on the overhoused transfer list or a housing provider’s internal transfer list is the original date the household first made application for rent-geared-to-income assistance.
5. If the housing provider determines that a household is an overhoused household then, the housing provider:
- (a) shall give the household an overhoused notice within 30 calendar days from the date the housing provider made the determination and;
 - (b) provide a copy of the overhoused notice to the Central Housing Registry -Windsor Essex County within 3 business days from the date of the overhoused notice.
6. If the housing provider gives an overhoused notice to a household, the following apply:

If the housing provider does not have right sized unit in its portfolio

- (a) If none of the housing projects the housing provider operates in the service manager’s service area has a unit, occupied or not, that is of a size permissible under the service manager’s occupancy standards then:
 - (i) the household shall, within 30 calendar days from the date of the overhoused notice,

- make application to be placed on the centralized wait list to be transferred to a unit that is permissible under the service manager's occupancy standards and the applicable mandates of the respective housing providers, and;
- (ii) the household shall make a minimum of 5 housing provider location choices to units of a size permissible under the service manager's occupancy standards as set out in Section 10 - Windsor Essex Occupancy Standards and the applicable mandates of the respective housing providers.
 - (iii) despite Section 8 – Overhoused Rule, paragraph 6 subsection (a) (ii) the Central Housing Registry-Windsor Essex County may approve a lesser number of provider location choices if the Central Housing Registry-Windsor-Essex County is satisfied that there are extenuating, adverse or exceptional circumstances.
 - (iv) the Central Housing Registry-Windsor Essex County shall, within 3 business days from the date the household made the application to be placed on the Central Housing Registry-Windsor Essex County's overhoused transfer list, verify to the housing provider that the household has made application to the overhoused transfer list.

If the housing provider has right sized unit in its portfolio

- (b) If the housing projects the housing provider operates in the service manager's service area has a unit, occupied or not, that is of a size permissible under the service manager's occupancy standards, then;
 - (i) an overhoused household shall, within 30 calendar days from the date of the overhoused notice, make application to be placed on the housing provider's internal transfer list to be transferred to a unit that is permissible under the service manager's occupancy standards and the applicable mandates of the housing provider, and;
 - (ii) the housing provider shall add the household to the housing provider's internal transfer list and the housing provider's internal transfer policy shall apply.
 - (iii) the overhoused household shall, within one (1) year from the date of the overhoused notice make an application to be placed on the overhoused transfer list to a unit that is permissible under the service manager's occupancy standards as set out in Section 10 - Windsor Essex Occupancy Standards. The household shall make a minimum of 5 provider location choices to units of a size permissible under the service manager's occupancy standards and the applicable mandates of the respective housing providers.
 - (iv) despite Section 8 – Overhoused Rule, paragraph 6 subsection (b) (iii) the Central Housing Registry-Windsor Essex County may approve a lesser number of provider location choices if the Central Housing Registry-Windsor-Essex County is satisfied that there are extenuating, adverse or exceptional circumstances.
 - (v) the Central Housing Registry-Windsor Essex County shall, within three (3) business days from the date the household made the application to be placed on the overhoused transfer list, verify to the housing provider that the household has made application to the overhoused transfer list.

If, after one year from the date of the overhoused notice

7. The household remains overhoused and is not on the overhoused transfer list, the household ceases to be eligible for rent-gearred-to-income assistance.
8. The overhoused household is added to the overhoused transfer list and the household requests to be removed from the overhoused transfer list later than one year after the date of the overhoused notice, the household ceases to be eligible for rent-gearred-to-income assistance.
9. The overhoused household will not cease to be eligible for rent-gearred-to-income assistance if the household is following the process to be transferred to a unit that is permissible under the service manager's occupancy standards as set out in this Section 10 - Windsor Essex Occupancy Standards.
10. The overhoused household will not cease to be eligible for rent-gearred to-income assistance until a year after the date of the overhoused notice. For greater clarity, the household does not cease to be eligible one year after the date of the overhoused notice if the household follows the provisions of this Section 8 - Overhoused Rule.
11. If the household ceases to be eligible for rent-gearred to-income assistance for the unit in which the household is an overhoused household, the household shall pay rent for the unit it occupies at the rate at which rent is payable for the unit by a household not receiving rent-gearred-to-income assistance. Such change in rent will become effective pursuant to the notice period provisions for rent changes under the Housing Services Act, its Regulations and these rules as may be amended or replaced from time to time.
12. The service manager may, on a case by case basis, waive all or part of the provisions of this Section 8 - Overhoused Rule, if the service manager is satisfied that there are extenuating, adverse or exceptional circumstances.
13. Subject to Section 8 - Overhoused Rule, paragraph 11 herein, if an overhoused household does not comply with the provisions of this Section 8 - Overhoused Rule the household ceases to be eligible for rent-gearred- to-income assistance.

Section 9

Refusal of An Offer - ineligibility

1. A household ceases to be eligible for rent-gearred-to-income assistance if it has refused one offer of a rent-gearred-to-income unit and,
 - (a) it is on the centralized wait list for rent-gearred-to-income units; or
 - (b) it has been placed on the housing provider's internal transfer list and/or the overhoused transfer list.

2. Section 9 – Refusal of an Offer, paragraph 1 applies with respect to the refusal of an offer only if the unit that is offered:
 - (a) meets the service manager’s occupancy standards; and
 - (b) is in a housing project for which the household has indicated a preference.
3. Section 9 – Refusal of an Offer, paragraph 1 does not apply with respect to the refusal of a portable housing benefit.
4. Section 9 – Refusal of an Offer, paragraph 1 does not apply with respect to a refusal by a household that is in temporary housing that is to be provided while one or more members of the household are receiving treatment or counselling or that is provided because the household is in need of emergency shelter.
5. Despite the provisions of this Section 9 - Refusal of an Offer, the service manager may determine that a household remains eligible for rent-geared-to-income assistance, if the service manager is satisfied that there are extenuating circumstances.

Section 10

Windsor/Essex Occupancy Standards

The occupancy standards in these rules are referred to as the Windsor/ Essex occupancy standards or the service manager’s occupancy standards.

1. Largest unit

The largest unit a household is eligible for is a unit that has,

- (a) one bedroom for any two members of the household who are spouses of each other;
- (b) one bedroom for each additional member of the household.

2. Smallest unit

The smallest unit a household is eligible for is a unit that has,

- (a) one bedroom for every two members of the household; and
- (b) an additional bedroom if there is an odd number of members in the household.

Notwithstanding the foregoing, a bachelor unit is an eligible unit if the household consists of one individual or two individuals who are spouses of each other.

3. Additional Bedroom

Eligibility for an additional bedroom is not automatically assigned and must meet the criteria set out below. The household must make a request for an additional bedroom and provide verification to support the request.

Eligibility for an additional bedroom may be approved if any one of the following criteria applies:

- (a) one of the spouses requires a separate bedroom because of a verified disability or medical condition, or;
- (b) the room is required to store equipment required by a member of the household because of verified disability or medical condition, or;

- (c) the bedroom is required to accommodate an individual who is not a member of the household and who provides a member of the household with support services that are required because of the member's disability or medical condition, or;
- (d) a member of the household is pregnant, or;
- (e) a member of the household has verified joint custody over a child who is not a member of the household, the member is required to provide accommodation for the child, and the bedroom is required to accommodate the child, or;
- (f) a member of the household has visiting rights with respect to one or more children who are not members of the household and the housing provider or the Manager of the Central Housing Registry-Windsor Essex County, as the case may be, is satisfied the member has demonstrated the following:
 - (i) it is a condition of the member's visiting rights that the member must provide adequate accommodation for the child(ren) when the child(ren) stays overnight with the member, and;
 - (ii) the child(ren) will stay overnight with the member and the bedroom is required to accommodate the child(ren), and;
 - (iii) given the age, gender, number of children and frequency of overnight stays, an additional bedroom(s) is required to provide adequate accommodation to satisfy the conditions of the member's visiting rights.
- (g) the requirements listed in Section 10 – Windsor Essex Occupancy Standards, paragraph 3 subsection (f) (i),(ii),(iii) above shall be waived if the member demonstrates the member's visiting rights will be diminished or withdrawn, and the request for an additional bedroom to accommodate the child(ren) shall be approved.
- (h) eligibility for an additional bedroom may be approved by the Central Housing Registry-Windsor Essex County for a household that has applied to be on the centralized wait list or has been placed on the centralized wait list or by the housing provider for households in receipt of rent-geared-to-income assistance if the Central Housing Registry-Windsor Essex County or housing provider, as the case may be, is satisfied that extenuating circumstances exist and receives the prior written consent of the service manager.

4. Kinship Service/Customary Care Arrangement

In this Section:

- (a) "kinship care" means an arrangement where a member of the household is a relative of a child who has been separated from their parents and; the relative household member of the child is obligated to provide full-time care, nurturing and protection of the child and; the child is being cared for by the child's relative who is a member of the household.
- (b) "customary care" means an arrangement where a member of the household may or may not be a relative of a child who has been separated from their parents and; the household member is obligated to provide full-time care, nurturing and protection of the child and; the child is being cared for by the child's relative who is a member of the household.

For the purposes of the Windsor/Essex occupancy standards, a child that has joined a household under a kinship care or a customary care arrangement is a member of the household provided that the Children's Aid Society confirms the Society is involved in a

supportive role or; the Children's Aid Society confirms the kinship care or customary care arrangement in writing or; the member submits a current written agreement with the Children's Aid Society confirming the kinship care or customary arrangement or; the kinship care or customary care arrangement is confirmed by a court order.

5. Students living away from household

For greater certainty, a child of a member of the household is a member of the household if the child,

- (a) is in full-time attendance at a recognized educational institution and, while in attendance, does not live with the household, and;
- (b) lives with the household while not attending that educational institution; and
- (c) is dependent, in whole or in part, on the household for financial support.

6. Extenuating Circumstances

The Central Housing Registry-Windsor Essex County or the housing provider, as the case may be, may on a case-by-case basis, determine that extenuating circumstances exist and may approve alternate occupancy standards with the prior written consent of the service manager.

Section 11

Annual Income and Occupancy Reviews

Centralized Wait List

1. For each household on the centralized wait list, the Central Housing Registry-Windsor Essex County shall determine, at least once in every 12 month period after the household was added to the list:
 - (a) whether the household is still eligible for rent-geared-to-income assistance and;
 - (b) whether the household is still eligible for the unit type and size indicated on the centralized wait list.

Housing Providers

2. Once in every 12-month period after a household begins to receive rent-geared-to- income assistance, the housing provider:
 - (a) shall review the geared-to-income rent payable by the household and shall determine whether that rent should be reduced, be increased, or remain the same, and;
 - (b) shall review and ensure the household remains eligible for the unit size and type occupied by the household.
3. A housing provider may review the geared-to-income rent payable and the unit type and size occupied by a household receiving rent-geared-to-income assistance more frequently than once in every 12-month period if the housing provider considers such a review to be desirable to ensure compliance with the Housing Services Act, related Regulations and local rules.

Section 12

Deferral or Forgiveness of Geared-to-Income Rent

1. A housing provider may defer or forgive all or part of the rent payable by the household with the prior written consent of the service manager.

Rules Guiding Decision and Deferral or Forgiveness

2. A housing provider's decision regarding any deferral or forgiveness of rent shall be made in accordance with the rules made by the service manager.

Rent Deferral in Dual Rent Circumstances

3. "Dual rent circumstance" means a circumstance where a household has been offered a rent-geared-to-income unit and if the household accepts the offer, the household will be required to pay rent at their current accommodation and for the rent-geared-to-income unit being offered for the same time period.
4. Subject to Section 12 – Deferral or Forgiveness of Geared-to-Income Rent, paragraphs 1, 2 and 5, a housing provider may offer a household a rent-geared-to-income unit, hold the unit vacant and defer rent payable to enable the household to give proper notice to vacate to their existing landlord and avoid a dual rent circumstance under the following conditions;
 - (a) the household verifies to the satisfaction of the housing provider that the household will be in a dual rent circumstance, and;
 - (b) the household does not occupy the rent-geared-to-income unit during the period the unit is being held vacant and rent is deferred, and;
 - (c) the housing provider shall not hold the unit vacant and defer rent for more than a two full calendar month period after the offer has been made to the household.

Rent Forgiveness

5. A housing provider may forgive an amount of rent payable by a household, with the prior written consent of the service manager, under the following conditions:
 - (a) where, in the opinion of the housing provider, a household did not provide sufficient verification of total household income to enable the housing provider to appropriately determine the household's geared-to-income rent payable and as a result:
 - (i) the household's rent payable was increased to the market rent amount, and;
 - (ii) the household, in the opinion of the housing provider, subsequently provided sufficient verification of total household income and;
 - (iii) the housing provider determines it is appropriate to retroactively adjust the rent payable to reconcile the household's rental account and re-instate a rent-geared-to-income amount on a retroactive basis.
 - (b) where, in the opinion of the housing provider, a retroactive adjustment to the rent payable by a household is deemed necessary by the housing provider for reasons other than provided for in Section 12 – Deferral or Forgiveness of Geared-to-Income Rent, paragraph 5 subsection (a) above.
6. The amount of rent payable to be forgiven shall not exceed the amount required to implement retroactive adjustments referred to in this Section.

7. The housing provider may, with the prior written consent of the service manager, approve a rent deferral or forgiveness for reasons other than provided for in this Section 12 - Deferral or Forgiveness of Geared-to-Income Rent, if the housing provider is satisfied that there are adverse, exceptional and/or extenuating circumstances.
8. The housing provider must report the total number of households provided a rent deferral or rent forgiveness to the service manager in a form and manner set out by the service manager.
9. The housing provider shall retain rent deferral and rent forgiveness records relating to every eligible household for a period of at least five (5) years after the date the household last resided in a unit in the housing project.

Section 13

Conflict of Interest

1. A conflict of interest exists if any of the following situations occur:
 - (a) the personal or business interests of a director, officer, agent or employee of a housing provider are in conflict with the interests of the housing provider.
 - (b) 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.
2. A director, officer, agent or employee of the housing provider shall not enter into any situation, arrangement or agreement which results in a conflict of interest.
3. Directors, officers, agents and employees of the housing provider must notify the Chair of the Board of Directors of the housing provider of every potential or actual conflict of interest no later than the first meeting of the Board after the director, officer, agent or employee becomes aware that he or she has entered into a situation, arrangement or agreement that results in or may result in a conflict of interest.
4. The individual declaring the potential or actual conflict of interest shall not participate in, and must vacate, the part of the Board meeting when the topic which is the subject of the declaration of a potential or actual conflict of interest is discussed and concluded by the Board.
5. The Board of Directors shall consider the notice given under Section 13 – Conflict of Interest, paragraph 3 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.
6. The Chair of the Board shall notify the service manager in writing of the receipt of every notice under Section 13 – Conflict of Interest, paragraph 3 and the Board of Directors shall resolve every conflict of interest or potential conflict of interest to the satisfaction of the service manager.

7. Despite Section 13 – Conflict of Interest, paragraph 2, a director, officer, agent or employee or a person related to one of them may directly or indirectly receive a gain, benefit, advantage, privilege or remuneration from the housing provider if all of the following conditions are satisfied:
- (a) a notice of the conflict of interest or potential conflict of interest is given in accordance with Section 13 – Conflict of Interest, paragraph 3.
 - (b) the service manager agrees that there is no reasonable alternative for the housing provider other than entering into the situation, arrangement or agreement that results in or may result in the conflict of interest.
8. For the purposes of this Section, 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 or grandparent, or a person with whom the director, officer, agent or employee has a business relationship.
9. In this Section,
- “child”, in relation to an individual, means a child of the individual born within or outside marriage (unless that child has been adopted by one or more other individuals in Ontario or according to the law of another jurisdiction), a child adopted by the individual in Ontario or according to the law of another jurisdiction, 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 for consideration by another person having lawful custody;
- “parent”, in relation to an individual, means a natural parent of the individual (unless the individual has been adopted by one or more other persons in Ontario or according to the law of another jurisdiction), an adoptive parent of the individual who has adopted the individual in Ontario or according to the law of another jurisdiction, and a person who has demonstrated a settled intention to treat the individual as a child of his or her family, but does not include a person in whose home the individual has been placed as a foster child for consideration by another person having lawful custody;
- “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.

10. No person is eligible to become a Board Member or Director of the housing provider if he or she or a current member of the household:
 - (a) owes, with respect to a previous tenancy in any housing project under any transferred housing program or with respect to the current tenancy or occupancy,
 - (i) arrears of rent or occupancy charge;
 - (ii) an amount for damage caused by a current member of the household; or
 - (iii) any other charges or fees that applicable governing legislation permits a housing provider to charge; or
 - (b) is in breach of the housing provider's agreement, bylaw or policies governing the person's tenancy or occupancy or is in breach of any applicable legislation governing the tenancy or occupancy.

11. A Board Member or Director of the housing provider cannot participate in any meetings or activities of the Board of Directors if he or she or a current member of the household:
 - (a) owes, with respect to the current tenancy or occupancy,
 - (i) arrears of rent or occupancy charge;
 - (ii) an amount for damage caused by a current member of the household; or
 - (iii) any other charges or fees that applicable governing legislation permits a housing provider to charge; or
 - (a) is in breach of the housing provider's agreement, bylaw or policies governing the person's tenancy or occupancy or is in breach of any applicable legislation governing the tenancy or occupancy.

12. A Board Member or Director of the housing provider is deemed to have resigned from their position on the Board, effective immediately, if:
 - (a) all monies owed (by the Board Member or Director or current member of the household) to the housing provider are not paid in full within 90 days of the date the monies were first owed; or
 - (b) a breach (by the Board Member or Director or current member of the household) of the housing provider's agreement, bylaw or policies governing the person's tenancy or occupancy or any applicable legislation governing the tenancy or occupancy is not corrected within 90 days of the date the breach first occurred.

13. In the case of a deemed resignation, pursuant to Section 13 paragraph 12, the housing provider will take all reasonable steps to replace the person on the Board.

14. In the event this section conflicts with a housing provider's Bylaw or policy then this section shall prevail.

Replacement of conflict of interest rules

15. The provisions set out in this Section 13 – Conflict of Interest, paragraphs 1 through 14 may be amended, altered or substituted by rules agreed to in writing, in advance, by the housing provider and the service manager.

Minimum Number of Board Meetings Per Year

16. Every housing provider shall ensure that it is a non-profit corporation or a non-profit co-operative corporation in good standing under one of the following statutes and shall ensure that it continues to be in good standing as long as it is subject to the Housing Services Act.
 - (a) *Business Corporations Act.*
 - (b) *Corporations Act.*
 - (c) *Co-operative Corporations Act.*
 - (d) *Canada Business Corporations Act.*

17. The Board of Directors of a housing provider shall meet at least four times each year and complete an Annual General Meeting within six months of the organization's fiscal year-end.

Expenses, Meetings and Remuneration, Directors

18. A housing provider shall not pay remuneration to a director other than amounts to reimburse the director for reasonable expenses incurred in the performance of the director's duties as a director.

19. A housing provider may employ a director if,
 - (a) the director resides in the housing provider's housing project and is employed by the housing provider on a part-time or temporary basis; or
 - (b) the director does not reside in the housing provider's housing project and is employed by the housing provider to carry out functions of a non-supervisory and non-managerial nature and the housing provider has,
 - (i) five or fewer directors and no other director is employed by the housing provider to carry out the same functions, or
 - (ii) more than five directors and not more than one-fifth of the directors are employed by the housing provider to carry out the same functions.

20. Despite Section 13 – Expenses, Meetings and Remuneration, Directors, paragraph 18, a housing provider may pay reasonable remuneration to a director employed in accordance with Section 13 – Expenses, Meetings and Remuneration, Directors, paragraph 19 in respect of his or her employment functions.

21. With respect to Board meetings and activities, a housing provider shall not pay for the cost of dinners, meals, food, snacks, alcoholic and non-alcoholic drinks and other such similar costs.

Property Management Contracts, Services, Procurement

22. A housing provider shall establish and follow open and competitive practices in hiring its employees, subject to the provisions of any collective bargaining agreement to which the housing provider is a party, and in retaining persons to provide property management services for its housing projects.

23. A contract for property management services for a housing project must be in writing and must satisfy the following requirements:
- (a) the term of the contract must not exceed three years.
 - (b) the contract must not be renewable.
 - (c) the contract must be capable of termination by the housing provider on 60 days written notice any time during the term of the contract and on 30 days written notice if the termination is for breach of the contract, unless the parties to the contract agree to shorter notice periods.
 - (d) the contract must specifically identify and describe the nature of the goods and services provided under the contract and the consideration to be paid by the housing provider.
 - (e) the contract must be non-assignable.
24. Every corporation providing management services for a housing project shall give notice to the housing provider of the housing project of any change in control of the corporation.
25. A housing provider is not required to follow open and competitive practices in retaining persons to provide property management services if the service manager is satisfied that open and competitive practices are not appropriate in the circumstances in order for the housing provider to obtain a reasonable level of property management services at a reasonable cost.

Leases and Occupancy Agreements – Requirements

26. Every housing provider and every household that rents or occupies a rent-geared-to- income unit in the housing provider’s housing project shall enter into a lease or, in the case of a co-operative housing unit, an occupancy agreement that meets the following requirements:
- (a) in the case of a lease, the term of the lease must not exceed one year.
 - (b) the lease or agreement must specify the amount of rent that would be payable if the unit were a market unit, the amount of geared-to-income rent payable for one month by the household as determined by the service manager, and all other charges that the housing provider may impose under this Regulation or the *Residential Tenancies Act, 2006* and its successor legislation.
 - (c) the lease or agreement must,
 - (i) restrict the occupancy of the unit to the members of the household at the time the lease or agreement is entered into and any additional persons whose occupation of the unit is agreed to subsequently by the housing provider,
 - (ii) require the household to advise the housing provider of any persons who cease to occupy the unit or commence to occupy the unit after the lease or agreement is executed, and

- (iii) prohibit the assignment of the lease or the agreement, as the case may be, and prohibit the household from renting or subletting the unit to any person.
 - (d) the lease or agreement must provide that the amount of the geared-to-income rent payable by the household for the unit is subject to change if the household's financial circumstances change to such an extent that the service manager determines that the amount of the geared-to-income rent payable by the household should change or that the household is no longer eligible for rent-geared-to-income assistance.
 - (e) the lease or agreement must be executed by every individual,
 - (i) whose income is taken into consideration in determining the amount of rent payable by the household, or
 - (ii) who is a member of the household and at least 16 years of age, if the service manager so requires.
27. A housing provider shall ensure that the household residing in a rent-geared-to-income unit complies with the requirements described in Section 13 – Lease and Occupancy Agreements, paragraph 26 subsection (c) (i) through (iii).
28. A housing provider shall establish rules for the temporary accommodation of guests in its rent-geared-to-income units and shall provide a copy of the rules in either written or electronic format to the service manager and to the households residing in the housing provider's project.

Section 14

Review of Certain Decisions

1. The Windsor Essex service manager will establish a system for dealing with reviews requested as prescribed under the Housing Services Act and related Regulations.

The system will include a provision for a review body, the rules for the appointment and removal of members and remuneration, if any, and will also provide procedural rules for the reviews.

The Windsor Essex Community Housing Corporation will be authorized to conduct reviews generated in their own portfolio without engaging the review body provided:

- (a) the service manager approves the rules, practices and procedures to be employed by the Windsor Essex Community Housing Corporation prior to implementation and;
- (b) Windsor Essex Community Housing Corporation meets quarterly with the service manager to enable the service manager to assess compliance with approved rules, practices and procedures and to assess the quality of the decisions made.