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INTERNAL REVIEWS CONDUCTED IN 2005 UNDER THE *SOCIAL HOUSING REFORM ACT, 2000*

The Community Services and Housing Committee recommends adoption of the recommendation contained in the following report, April 3, 2006, from the Commissioner of Community Services, Housing and Health Services:

1. RECOMMENDATION

It is recommended that:

1. This report be received for information.

2. PURPOSE

The purpose of this report is to provide Council with information regarding internal reviews conducted in 2005 within the Social Housing Program. The Province, through the *Social Housing Reform Act, 2000* (SHRA), requires that an internal review process be in place to review decisions which affect applicants' eligibility for the centralized waiting list and tenants' eligibility for rent-geared-to-income (RGI) subsidy.

3. BACKGROUND

3.1 Decisions Subject to Internal Review

In the course of administering the SHRA, regional staff and housing providers make decisions with respect to applicant and tenant households' eligibility for RGI assistance. At the request of the affected household, these decisions are subject to an internal review.

Under the requirements of the SHRA, a member of an applicant or a tenant household may request an internal review regarding any RGI related decision they believe to be adverse to them. Requests to review decisions can be made for any or all of the following:

- Concerning eligibility for RGI assistance, the approved amount of RGI subsidy, the type of accommodation or the category of the household on the waiting list.
- Applicants are entitled to an impartial review of decisions made by regional staff pertaining to their placement on the centralized waiting list. Waiting list decisions include Special Priority ranking for victims of domestic violence, eligibility for RGI assistance and eligibility for particular unit types (e.g. modified units) and sizes.
- RGI tenants are entitled to a review of any decision made regarding the amount of their rent payment or their continued eligibility for RGI assistance. It should be noted that, given the restrictions of the SHRA, internal reviews are the only vehicle for

allowing a “second chance” to tenants to provide information required to maintain their housing subsidy. The RGI program is delivered through partnerships with social housing providers. Housing providers make decisions regarding RGI rents in accordance with a service agreement between the Region and the housing provider.

3.2 The Internal Review Process

Applicants and tenants must receive written notice of any decision related to their placement on the waiting list or their eligibility for RGI assistance as well as detailed information about the internal review process.

The SHRA requires the internal reviews be conducted by persons who did not participate in making the original decision. Senior regional Housing Program staff conduct all reviews of decisions made by housing providers or by the Region’s Housing Access Unit (HAU).

There are some real benefits to the internal review process. Housing Programs staff can monitor compliance to the SHRA, ensuring that rules are consistently and fairly applied. In addition, staff can identify trends which might demonstrate the need for training or for further policy or procedural development. The internal review process also affords applicants and tenants the opportunity to provide relevant supplementary information that may contribute to reconsideration of the original decision. In most cases when a decision is overturned, it is because the applicant or tenant provides pertinent information with the internal review request that was not available to the original decision-maker.

4. ANALYSIS AND OPTIONS

In 2003, the first full year of the Program, a total of 34 internal reviews were completed. In 2004, the number of internal review requests increased to 187.

In 2005, the number of requests almost doubled. The total number of requests in 2005 was 364. Of these, 139 decisions were upheld, 219 were overturned and 6 were amended. There were 308 requests from social housing applicants (HAU decisions) and 56 were from RGI tenants (Housing Provider (HP) decisions).

The Internal Review Program is a relatively new right which did not exist prior to the SHRA. As applicants, tenants, and their advocates become more familiar with the Program, it is not surprising to see increased numbers of internal review requests, given the thousands of decisions made annually by the Region and housing providers.

Table 1 (*see Attachment 1*) illustrates the distribution of internal review requests by category and whether the original decisions were upheld, overturned or amended.

4.1 Waiting List Special Priority Status

The SHRA requires Service Managers to maintain a centralized waiting list for RGI housing. The regulations made under the SHRA prescribe a Special Priority category for victims of domestic violence who require subsidized housing in order to be able to flee from an abusive relationship. Households who have been approved for Special Priority status rank ahead of everyone else on the centralized waiting list. When a vacancy occurs in the social housing portfolio, it must be offered first to a household who has qualified for Special Priority status.

As the supply of housing is so limited and the waiting periods are so long, people who do not meet the provincial eligibility criteria may request Special Priority status in order to obtain subsidized housing within a realistic timeframe. Examples include landlord/tenant conflicts, witness protection relocations and other situations of abuse that fall outside the policy.

In 2004, there were 80 internal review requests received. In 2005, the number of requests decreased to 64. The reason for this decrease is likely because the HAU fine-tuned the Special Priority Request package, explaining in more detail the provincial eligibility criteria.

Of the 64 internal review requests received, 46 (72%) were upheld and 18 (28%) were overturned. Fourteen (78%) of the decisions overturned were changed because new information was provided at the time of the internal review.

4.2 Waiting List Ineligibility (HAU)

The HAU assesses eligibility for rent-geared-to-income assistance. Applicants are required to complete update reports on an annual basis. Applicants are deemed to be ineligible if they fail to submit these information update reports.

The HAU notifies applicants who do not provide updated information that their names have been removed from the Centralized Waiting List and explains the internal review process.

The only way that these applicants can be reinstated with their original application date is to submit the required information during the internal review process.

In 2004, there were 72 internal review requests made by households who had been removed from the waiting list for failing to provide update information, when requested.

In 2005, the number of internal review requests increased to 205. Of the 205 review requests, 45 (22%) were upheld while 160 (78%) were overturned. All of the 160 decisions were overturned because the households submitted the update information that had not been available to the original decision-makers.

4.3 Other Housing Access Unit (HAU) Decisions

The HAU also determines applicant eligibility for RGI assistance in other areas as well. Applicants do not qualify if they do not have legal status in Canada or if they owe rental arrears to a former social housing landlord. The HAU also determines eligibility for the size and type of unit an applicant may select. Even though eligible for RGI housing, a household may be deemed ineligible for a particular unit size or type (e.g. modified unit). Applicants are entitled to request internal reviews for these decisions.

In 2004, 14 requests were made for these types of decisions. In 2005, the number of internal review requests increased to 39. Of these, 21 (54%) were upheld and 18 (46%) were overturned. Fourteen (78%) of the 18 decisions were overturned because additional information was supplied at the time of the internal review.

4.4 Rent-Geared-To-Income (RGI) Calculation (HP)

Housing providers are typically responsible for RGI calculations. The internal review process serves as an important quality control mechanism for the Region. Housing providers make thousands of RGI decisions each year. Internal review requests in this category generally relate to the amount of rent payable or the effective date of a rent increase.

Regional staff provide training and additional supports to housing providers when RGI calculation errors are identified.

In 2004, there were 6 review requests regarding RGI calculations. In 2005, this number increased to 34. Of the 34 internal review requests received, 17 (50%) were upheld 13 (38%) were overturned and 4 (12%) were amended. Eight (62%) of the 13 were overturned because of new information received.

4.5 Loss of Subsidy (HP)

Housing providers also make decisions around a tenant's eligibility for continued RGI subsidy. Tenants are required to provide updated information to the housing provider on an annual basis. If they fail to provide this updated information, when requested, if the information provided is not complete, or if the household has misrepresented their income, the housing provider cancels the household's subsidy. These decisions are subject to the internal review process.

It is the Region's practice to give households ample opportunity to provide the information required to maintain their RGI assistance.

In 2004, there were six internal review requests in this category. In 2005, the number of requests increased to 22. Of the 22, 10 (45%) decisions were upheld, 10 (45%) were overturned and 2 (10%) were amended. Seven (70%) of the 10 decisions were overturned because additional information was submitted with the internal review request.

5. FINANCIAL IMPLICATIONS

The internal review process is an important quality assurance mechanism. In combination with regular audits of housing provider rent calculations, the internal review process enables regional staff to ensure that RGI assistance is appropriately allocated.

6. LOCAL MUNICIPAL IMPACT

There are no local municipal implications associated with this report.

7. CONCLUSION

The Internal Review Program ensures that applicants and tenants have access to an objective review of decisions related to their eligibility for RGI assistance. The process also is an important quality control mechanism. In combination with regular audits of housing provider rent calculations, the internal review process enables regional staff to ensure that RGI assistance is appropriately allocated and that our subsidy dollars are allocated in the correct amounts only to those households who are eligible.

In addition, the internal review process is the only mechanism under the SHRA that allows applicants to have a second chance to provide the information needed to retain their place on the centralized waiting list without having to reapply and start all over again. It also is the only way for RGI tenants to be able to supply the required information to prevent them from losing their subsidy after they have been given a notice of subsidy termination.

The Internal Review Program is relatively new. As the Program has become more familiar to applicants, tenants and their advocates, the number of requests for internal reviews has risen each year. This trend is expected to continue.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause was included in the Agenda for the April 12, 2006 Committee meeting.)