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INTERNAL REVIEWS CONDUCTED IN 2003 UNDER THE *SOCIAL HOUSING REFORM ACT, 2000*

The Community Services and Housing Committee recommends the adoption of the recommendation contained in the following report, February 25, 2004, from the Commissioner of Community Services and Housing:

1. RECOMMENDATION

It is recommended that:

1. The following report be received for information by Committee and Council.

2. PURPOSE

The purpose of this report is to provide Committee and Council with information regarding internal reviews conducted in 2003 within our housing programs. The Province, through the *Social Housing Reform Act, 2000 (SHRA)*, has introduced a new process to review decisions made by service managers affecting applicants' and tenants' eligibility for rent-geared-to-income (RGI) assistance and waiting list.

3. BACKGROUND

3.1 Decisions Subject to Internal Review

3.1.1 Who Make Decisions?

In the course of administering the *SHRA*, Regional staff, and in some cases, housing providers, make decisions with respect to applicant and tenant households' eligibility for rent-geared-to-income (RGI) assistance. At the request of the affected household, these decisions are now subject to an internal review.

3.1.2 Waiting List Decisions

As well, under the *SHRA*, applicants are entitled to an impartial review of decisions made by Region staff pertaining to their placement on the centralized waiting list. Waiting list decisions include priority ranking for victims of domestic violence, eligibility for rent-geared-to-income assistance and eligibility for particular unit types.

3.1.3 Rent Geared-To-Income Decisions

Further, once an applicant becomes an RGI tenant, they are also entitled to a review of any decision regarding the amount of geared-to-income rent payable or their on-going eligibility for assistance. The RGI Program is delivered through partnerships with social housing providers. Housing providers make decisions regarding RGI rents in accordance with their service agreement between the provider and York Region.

3.2 The Internal Review Process

Applicants and tenants receive written notice of any decision related to their placement on the waiting list or their eligibility for RGI assistance. Along with each notice, applicants and tenants receive information about the internal review process, including their right to a review.

The *SHRA* requires that internal reviews be conducted by persons who did not participate in 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.

The benefits of the internal review process are two-fold. First, program staff are able to monitor compliance, ensuring that program rules are consistently and fairly applied. Second, the internal review affords applicants and tenants the opportunity to provide relevant supplementary information that contributes to reconsideration of the initial decision. In many cases a decision is over-turned because the applicant or tenant provides salient information 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. The number of requests for internal review is expected to rise as applicants, tenants and their advocates become more familiar with the process. Of the 34 appeals, 26 (or 77%) were upheld (*see Table 1*).

Table 1
Internal Reviews in 2003

Original Decision	Upheld	Overtured	Total
Waiting List Special Priority Status Denied	12	6	18
Rent Geared to Income Ineligibility	9	1	10
Rent Geared-to-Income Rent Calculation	5	1	6
Total	26	8	34

4.1 Waiting List Special Priority Status

The majority of the requests for internal review related to the special priority category on the waiting list. The waiting list for social housing is chronological. However special priority is given to victims of domestic violence seeking affordable housing for safety reasons. This is the only special priority prescribed by Provincial legislation and as such is a mandatory requirement. Special priority applicants rank above all others on the waiting lists for social housing.

In order to qualify for special priority, the applicant must:

- Have been subject to abuse from a member of their household or an immigration sponsor.
- Intend to live permanently apart from the abusing individual.
- Apply for special priority status within three months of ceasing to live with the abusing individual.

The service manager may accept an application after the three month deadline if extenuating circumstances warrant.

The Housing Access Unit (HAU) of the department does not grant special priority status to applications submitted after the deadline. HAU advises the applicant of the right to an internal review of the decision and encourages the applicant to provide any relevant additional information. In each case where the original decision was overturned, the applicant had initially been refused on the basis of the three month requirement and subsequently provided information verifying extenuating circumstances that warranted approval of special priority status.

In 2003, 18 requests for review were received in this category.

4.2 Rent-Geared-to-Income Eligibility

The HAU assesses applicant eligibility for rent-geared-to-income assistance and unit size. Households may be deemed ineligible if they fail to respond to information update requests, if they do not have legal status in Canada, or if they owe money to a former social housing landlord. Even though eligible for RGI housing, the household may be deemed ineligible for a particular unit size. All HAU decisions are subject to internal review.

In 2003, 10 requests for review were received in this category. Only one HAU decision was over-turned. In this case, the applicant couple provided supplementary information that supported their request for separate bedrooms.

4.3 Rent-Geared-to-Income Calculation

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. Every notice of decision must be accompanied by internal review information. Requests for reviews of housing provider decisions typically relate to the amount of geared-to-income rent payable or the effective date of a rent increase.

In 2003, 6 requests for review were received in this category. Only one housing provider decision was over-turned.

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 and our subsidy dollars go to those who are eligible and in the correct amounts.

6. LOCAL MUNICIPAL IMPACT

There is no direct local municipal impact.

7. CONCLUSION

The Internal Review Program is an important component of the Region's quality assurance and customer service priorities. It ensures that applicants and tenants have access to an objective review of decisions related to their eligibility for RGI assistance. The process also allows the Region to ensure that program rules are fairly and consistently applied.

The Internal Review Program is relatively new. As the Program becomes more familiar to applicants, tenants and their advocates, the number of requests for internal review is expected to rise.

The Senior Management Group has reviewed this report.