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INTERNAL REVIEWS CONDUCTED IN 2004 UNDER THE *SOCIAL HOUSING REFORM ACT, 2000*

The Community Services and Housing Committee recommends adoption of the recommendation contained in the following report, March 18, 2005, 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 2004 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 waiting list and tenants' eligibility for rent-geared-to-income (RGI) assistance.

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. Under the requirements of the SHRA, a member of an applicant or 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 for any or all of the following:

- Concerning eligibility for RGI assistance, the amount of RGI subsidy approved, 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.
- Once an applicant becomes an RGI tenant, they are entitled to a review of any decision regarding the amount of their rent payment 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 the service agreement between the housing provider and the Region.

3.2 The Internal Review Process

Applicants and tenants must receive written notice of any decisions related to their placement on the waiting list or their eligibility for RGI assistance. Along with each notice, applicants and tenants receive notification that they can request an internal review and information about the process and deadlines for doing so.

The SHRA requires that internal reviews be conducted by individuals who did not participate in making the original decision. Senior Regional Housing Programs 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. The Housing Programs staff can monitor compliance, ensuring that program rules are consistently and fairly applied. In addition, trends can be identified which 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 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. Of the 34 appeals, 26 (or 77%) were upheld.

In 2004, the number of internal review requests increased to 187. Of these, 101 (or 54%) were upheld and 86 (or 46%) were overturned. 166 internal review requests were received from applicants (Housing Access Unit decisions) and 21 internal review requests were made by tenants (Housing Provider (HP) decisions). Table 1 illustrates the distribution of internal review requests by category and whether the decisions were upheld or overturned.

Table 1
Internal Reviews in 2004

Original Decision	Upheld	Overturned	Total
Waiting List Special Priority Status Denied (HAU)	63	17	80
Rent-Geared-to-Income Ineligibility (HAU)	18	54	72
Other (HAU-includes size and type of unit, etc.)	5	9	14
Rent Geared-to-Income Rent Calculation (HP)	10	5	15
Other (HP - includes loss of subsidy and unit size)	5	1	6
Total	101	86	187

4.1 Waiting List Special Priority Status

Just under half of the internal review requests related to the Special Priority category on the waiting list. 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 abuse who need subsidized housing to be able to escape an abusive relationship. Special Priority households rank ahead of everyone else on the centralized waiting list. Whenever a vacancy occurs in the social housing portfolio, the unit must be offered first to a household who has qualified for Special Priority status.

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.

As the supply of social housing is so limited and the waiting periods so long, many households who do not meet the provincial criteria are seeking Special Priority status in order to obtain subsidized housing within a realistic timeframe. Some examples of those who request but do not qualify for Special Priority status include witness relocations, landlord/tenant conflicts, and victims of other types of abuse that are not considered domestic violence.

There is a resultant increase in the number of appeals from those households who have been denied Special Priority status.

In 2004, 80 internal review requests were received in this category as compared to 18 requests in 2003. Of the 80 requests, 79% of the appeals were upheld and 21% were overturned.

4.2 Rent-Geared-to-Income-Eligibility

The HAU assesses applicant eligibility for rent-geared-to-income assistance. Households are deemed to be ineligible if they fail to respond to information update requests.

In 2004, 72 internal review requests were made by households who had been removed from the centralized waiting list because they did not provide update information, as required. Of the 72 requests, 75% of the decisions were overturned and 25% upheld. In each case where the decision was overturned, the household provided the missing information.

4.3 Other Housing Access Unit HAU Decisions

The HAU determines applicant eligibility for rent-geared-to-income assistance in other areas as well. Applicants do not qualify if they do not have legal status in Canada or if they owe money to a former social housing landlord. The HAU also assesses eligibility for the size

and type of unit a household may select. Even though eligible for RGI housing, the household may be deemed ineligible for a particular unit size or type (e.g. modified unit). Applicants are entitled to request internal reviews with respect to these decisions.

In 2004, 14 internal review requests were received for these decisions. Of the 14 requests, 64% were overturned and 36% upheld. In each of the cases where the decision was overturned, the applicant provided information that was not available when the original decision was made.

4.4 Rent-Geared-to-Income (RGI) Calculation

Housing providers, not Regional staff, 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. The Region receives very few internal review requests in relation to the number of RGI decisions made.

In 2003, 6 requests for review were received in this category. In 2004, 15 internal review requests were received. Of the 15, 67% were upheld and 33% overturned.

4.5 Other Housing Provider Decisions

Housing providers make decisions around a tenant's eligibility for continued RGI subsidy, as well as eligibility for unit size (i.e. whether a tenant is over-housed). These decisions are subject to internal review as well.

There were six internal review requests in this category. Of the six requests, 84% were upheld and 27% overturned.

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 are no local municipal implications associated with this report.

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 is becoming better known, the number of internal review requests continues to increase. In 2003, there were 34 requests. In 2004, this number increased to 187. As of January 31, 2005, 33 requests have been received. If this rate continues, the Region could expect to receive in excess of 300 by the end of 2005.

The Senior Management Group has reviewed this report.