

Program Instructions



This Program Instruction applies to the following:

- ✓ HSA Part VII Housing Providers (Provincial Reform)
- ✓ Rent Supplement – Social Housing Rent Supplement Program
- ✓ Rent Supplement – Commercial and Strong Communities
- ✓ Former Federal Program Housing Providers (s. 15 1/27, s. 56 1/95)
- ✓ **Housing York**
 - ✓ Public Housing
 - ✓ HSA Part VII

ANNUAL RENT-GEARED-TO-INCOME REVIEWS

Effective Date: July 1, 2021

Summary

This Program Instruction sets out the requirements for annual reviews for tenants and members receiving rent-geared-to-income (RGI) assistance in York Region. It also sets out guidelines for housing providers to follow when initiating and conducting annual reviews.

Background

The *Housing Services Act, 2011*, s. 52 and *O. Reg. 316/19*, s. 10 require service managers to review a tenant or member's continued eligibility for RGI assistance annually after move-in. In York Region this role is delegated to community housing providers responsible for administering RGI.

At the time of the annual review, housing providers must confirm:

- Continued eligibility of all household members
- The amount of RGI payable

Community and Health Services

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- The size of the unit for which the tenant or member is eligible according to York Region's occupancy standards, outlined in [Program Instruction 2020-09: Rent-Geared-to-Income Occupancy Standards in York Region](#)
- Eligibility for a modified unit, where applicable

Action Required

Housing providers must review the eligibility and amount of RGI assistance at least once every 12 months after a tenant or member begins to receive RGI. All tenants and members are required to complete an annual review to remain eligible for RGI.

INITIATING ANNUAL REVIEWS

Housing providers may conduct annual reviews in the anniversary month of the tenant or member's move-in or in the same month each year for all tenants and members in the community. An annual review is the month the review is completed, not the effective month the RGI increases or decreases. A review is considered complete once the housing provider has confirmed eligibility and the amount of RGI assistance and issues a notice to the tenant or member.

York Region recommends that housing providers issue annual review packages to tenants and members no more than 90 days before the month in which the review will be completed. Housing providers with annual reviews taking place in July and August should consider the April 30th tax filing deadline and adjust the due dates accordingly to ensure the correct tax information can be provided within a reasonable timeframe.

Annual review packages must include the following:

- A letter to the tenant or member outlining the information required to complete the review and the due date for information to be submitted to the housing provider (typically 30 days from the date of the letter)
- A [Rent Subsidy Review Form](#)
- In the first year of RGI simplification, a copy of the document ["Obtaining Tax Information for Your Rent Subsidy Review"](#)

VERIFYING INFORMATION

Required Documentation

Tenants and members are required to submit documents verifying information declared on the Rent Subsidy Review Form, including:

- Annual adjusted net income of all members of the household, excluding full-time students, confirmed by the Canada Revenue Agency Notice of Assessment (NOA) or Proof of Income Statement, or by verification documents required to approximate net income if a significant change in income has occurred since the applicable tax year

- Copies of birth certificates, permanent residence or refugee claim documents if not already on file with the housing provider or if status has changed
- Most recent Statement of Assistance from Ontario Works (OW) or Ontario Disability Support Program (ODSP)
- Proof of school enrollment for full-time students 18 and older
- Documents verifying any new assets acquired since the tenant or member's last review

Annual Net Income

All tenants and members who are over the age of 18 and not in full time studies must provide their NOA or Proof of Income Statement from the Canada Revenue Agency for the applicable tax year, depending on when the review is completed.

- **Reviews conducted between July and December:** use the NOA or Proof of Income Statement from the previous tax year
- **Reviews conducted between January and June:** use the NOA or Proof of Income Statement from the year before the previous tax year

O. Reg. 367/11, s. 29.1 requires all tenants and members receiving RGI assistance to file their income tax returns to remain eligible.

If tax-based net income does not accurately reflect the average income a tenant or member is expected to receive over the next 12 months, the tenant or member may also provide documentation to demonstrate current income. The documentation must be issued by the source that provides the income and must allow the housing provider to approximate adjusted net income on an annualized basis. The housing provider may request additional information.

Tenants and members are required to report and verify income that would normally be included in Line 23600 that has not been reported to the Canada Revenue Agency, such as foreign pension income.

Information on tax-based and approximated net income can be found in [Program Instruction 2021-08: Adjusted Family Net Income](#).

Status in Canada

Tenants and members must provide verification of current status in Canada if status has changed since the last review. Applicants applying for permanent residence or refugee claimants are required to provide recent verification of status until permanent residence is approved or denied.

OW or ODSP Statement of Assistance

Tenants and members must provide their most recent OW or ODSP Statement of Assistance to verify the number of people in the benefit unit and the monthly net social assistance income.

Proof of School Enrollment for Full-Time Students 18 and Older

As income of full-time students is exempt from the RGI calculation, all full-time students 18 and older must provide verification of enrollment. A full-time student is someone attending a recognized

educational institution taking at least 60% of a full course load, or 40% of a full course load if the student has a disability. Acceptable forms of verification include:

- Copy of Ontario Student Assistance (OSAP) assessment sheet
- If the student does not receive OSAP, letter from the school registrar confirming full-time enrollment

Assets

Housing providers are required to verify all assets at move-in. At annual review, tenants and members are required to provide verification documents for any new assets they acquired or changes in the value of existing assets.

More information on assets can be found in [Program Instruction 2021–02: Local Eligibility Rule: Income and Asset Limits](#).

EFFECTIVE DATES OF CHANGE

Effective dates of change for annual reviews are set by *O. Reg. 316/19*, s. 10. An increase or decrease in RGI resulting from an annual review takes effect the first day of the month following the review. All RGI changes are implemented at the time of annual review, including increases of less than \$10.

Housing providers should plan to complete annual reviews as early as possible in the month of the review to provide sufficient notice to the tenant or member of the change and allow for five business days for mailing if the notice is mailed.

The notice must include the following:

- The RGI payable
- The effective date of change
- Information on requesting a decision review

RGI Ineligibility

An increase to the market rent or housing charge takes effect on the first day of the month following 90 days from the date a tenant or member is notified of their ineligibility. Housing providers must notify tenants or members of the decision in writing within seven business days of the decision being made. The notice must include:

- The reason for ineligibility
- The market rent or housing charge for the unit and the effective date of the increase (first day of the month following 90 days from the date of the notice)
- Information on requesting a decision review

Tenants and members who fail to provide the verification documents required to complete an annual review are ineligible for RGI. Housing providers should make reasonable attempts to collect the missing information before issuing a notice of ineligibility and are encouraged to document all attempts made.

Housing providers may reinstate RGI if the tenant or member provides the missing information before the increase to market rent or market housing charge takes effect.

Retroactive RGI Changes

RGI may be increased retroactively only in situations where a change is reported at annual review that should have been reported as an in-year change, including:

- A new member permanently joining the household
- A tenant or member has their income taxes reassessed by CRA and their net income has increased significantly, resulting in an increase to RGI

RGI may be retroactively increased to the first day of the month following the change in income or household composition. Housing providers may enter into a repayment agreement with the tenant or member to recover the overpayment of subsidy. If a repayment agreement cannot be reached, the housing provider may increase RGI by 10% of the monthly RGI charge until the overpayment is repaid.

Additional information on in-year reviews can be found in [Program Instruction 2021-10 In-Year Rent-Geared-to-Income Reviews](#).

DECISION REVIEW

Tenants and members who do not agree with the outcome of an annual review can request a review of the decision by York Region. More information on this process is provided in [Program Instruction 2018-04: Decision Review Process](#).

Authority: *Housing Services Act, 2011 s. 52*
O. Reg. 316/19 s. 6, 10
O. Reg. 367/11 s. 59

Please contact your Program Coordinator with any questions.

May 2021

This notice will be available in an accessible format or with communication supports upon request from 1-877-464-9675 or 905-830-4444 ext. 72119

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