

MEMORANDUM

Date: September 5, 2017

To: Ontario Municipal Social Services Association (OMSSA)

From: Central East Service Managers (CESM) Group

Re: Proposed Enhancements to the Special Priority Policy under Ontario Regulation 367/11 (General)

The Central East Service Managers (CESM) group is a service manager networking group that was established in 2002 to share best practices and provide opportunities to advocate to the Service Manager Housing Network (SMHN) and Homelessness table of the Ontario Municipal Social Services Association (OMSSA). CESM is comprised of designated staff from nine municipal service managers: City of Kawartha Lakes, City of Peterborough, District of Muskoka, County of Northumberland, County of Simcoe, Region of York, Region of Durham, Region of Peel and Region of Halton.

CESM supports the previous recommendation¹ put forth by SMHN, OMSSA and the Housing Services Corporation (HSC) to review the Housing Services Act (HSA) Special Priority (SPP) requirements and develop alternative strategies to address the housing affordability needs of victims of domestic violence outside of rent-g geared-to-income (RGI) and service managers' waiting lists. In particular, CESM supports the permanent extension of the Survivors of Domestic Violence Portable Housing Benefit (SDVPHB) program after its expiry in March 2018. The Province should be responsible for addressing the housing affordability and support needs of victims of domestic violence as part of a broader provincial commitment and strategy.

The current HSA model is not sustainable. The needs of victims of domestic violence cannot continue to be met within the limited social housing portfolios of service managers. SPP applicants continue to wait many months or even years for housing, service managers are frustrated in their ability to use RGI to meet identified local needs and the objectives of their housing and homelessness plans, and housing providers are

¹ Building Sustainability in the Housing System – Submission on the Long-Term Affordable Housing Strategy Renewal: Early Wins for Long Term Gains (March 2015)

straining to meet the support needs of their tenants as they are predominantly housing only victims of domestic violence.

The high number of SPP applicants housed, as compared to the low numbers of SPP applicants on the waiting lists, means that a majority of low and moderate income households may never receive an offer of RGI. For example, there are about 43,000 households on the combined CESM waiting lists. Although only about 3% of the waiting lists are SPP (less than 1,300 households), SPP applicants represented 53% of all non-seniors housed in 2016. Some service areas housed a considerably higher percentage of SPP applicants: 89% of non-senior applicants housed in Durham were SPP; although Simcoe reports that SPP applicants were about 59% of non-senior applicants housed across the county, the numbers are considerably higher in their urban centres of Barrie, Orillia and Midland.

Despite this, the reality is that RGI is not the quickest route to permanent housing. RGI turnover rates in CESM areas average about 8%. This stands in stark contrast to the CESM private market turnover rates² which range from 13.1% to 17.4%. In York, the contrast is even more startling in that only 5% of RGI units turned over in 2016 as compared to 13.6% in the private market.

Social housing is not the answer for victims of family violence. Low turnover rates contribute to long wait times for all applicants – even SPP applicants. In Durham, for example, SPP families wait about 11 months for RGI housing, and SPP singles/couples without children wait twice as long (more than 22 months). The Province must create permanent alternative solutions for this population (e.g. a provincially funded portable housing benefit or housing allowance) and allow service managers to address the economic needs of this population as they would other low or moderate income households in their service areas.

The proposed regulations to strengthen the SPP provisions in the HSA do little to address the current issues for SPP and other RGI applicants, and continue to frustrate the ability of service managers to meet the local needs of their communities and the targets set out in their housing and homeless plans. With OMSSA, CESM urges the province to reconsider its approach, and address the housing affordability needs of victims of domestic violence outside of RGI and service managers' waiting lists. However, as the proposed provisions will impact CESM service managers and the populations we serve, we have provided comment here.

Expand SPP rules to include survivors of human trafficking

CESM commends the Province's intentions; however, just as RGI housing is not a solution for victims of domestic violence, it is also not the best solution for survivors of

² CMHC Rental Market Reports – Greater Toronto Area and Ontario Highlights (Fall 2016).

human trafficking. Expanding the definition of SPP to include this group will further increase SPP applicants' wait times, exacerbate the needs of other low and moderate income households on the waiting list, and impact social housing communities who have little capacity to meet the complex needs of this group. Permanent and immediate solutions for survivors of human trafficking are required outside of RGI and service managers' waiting lists.

If the Province does expand the SPP rules to include survivors of human trafficking, it must ensure that the definition is specific to this group and does not inadvertently include all sex trade workers or migrant workers, who may have affordability needs but do not require priority on the waiting list ahead of other low and moderate income households. The definition should be specific to those who have been subject to criminal activity in which they were recruited, harbored, transported, bought, or kidnapped to serve an exploitative purpose.

Verification of eligibility for SPP should be limited to law enforcement or support workers who are specialists in the area of human trafficking. It cannot be the same list of designated persons used currently for SPP. This will ensure that the definition is applied consistently, and that applicants can be linked with resources to aid them in their recovery.

Allow SPP households to place their application on hold (and maintain their place on the centralized waitlist), if they reconcile with their abuser

SPP applicants already have the ability to request their application be placed on hold. Any amendments should require that the service manager consider the request in circumstances where the SPP applicant reconciles with their abuser, but should not require the service manager to grant that request in all circumstances. The service manager should also be permitted to impose limits on the number of times that the application is placed on hold for this reason, as well as the length of time that the application may remain on hold.

The current provisions with respect to holds have no relevance to service managers that operate their waiting lists to allow applicants to express interest in vacancies (per s. 47 of O. Reg. 367/11). Care should be taken that any amendments to allow for SPP households to maintain their place on the waiting list after reconciliation do not conflict with or interfere with these provisions. For example, there should be no confusion between placing an application on hold and the three offer limit under s. 39 of O. reg. 367/11. SPP applicants should not be allowed more than three offers of housing even if they have refused an offer because they have reconciled.

Further, s. 55 and of O. Reg. 367/11 allows the service manager to reconsider an applicant's SPP status if they add the abuser to their RGI or special needs application.

Any amendments to allow an SPP applicant to place their application on hold should not interfere with the service manager's ability to make this reconsideration.

CESM is concerned about the administrative burdens that these provisions could cause, specifically as it pertains to following up on the status of reconciliation. In order to mitigate this and to prevent indefinite holds, service managers should be permitted to unilaterally remove the hold after a set amount of time (e.g. one year).

Update the records of abuse, including adding a record of forcible confinement

CESM supports the proposal to update the definition of abuse to include forcible confinement.

CESM also notes that this change will not adequately address survivors of human trafficking and reiterates that the definition of abuse as it pertains to this group should be specific to those who have been subject to criminal activity in which they were recruited, harbored, transported, bought, or kidnapped to serve an exploitative purpose. Verification of the record should be limited to law enforcement or support workers who are specialists in the area of human trafficking.

Update the verifiers of abuse to include mid-wives and Indigenous Elders

CESM supports this change in principal, but notes that unlike regulated professions, it may be difficult to know that the designated person is indeed an elder. CESM requests that language be included to allow service managers to require proof of the person's status as an Indigenous elder or other designated professional.

Require that Service Managers determine household's eligibility for SPP and RGI prior to addressing rent arrears or amounts owing

CESM strongly disagrees with this proposed amendment. It is administratively unworkable and fundamentally misunderstands the way in which RGI eligibility is determined.

SPP is not a special type of housing. It refers only to priority status on the RGI waiting list. In order to be placed on the waiting list, an applicant must be eligible for RGI (s. 46(1), paragraph 1). Only if the applicant is determined RGI eligible are they placed on the waiting list according to provincial and local priority rules, including SPP priority rules. Priority status is not relevant to RGI ineligible applicants because they are not placed on the waiting list.

Under s. 26 of O. Reg. 367/11, an applicant is ineligible for RGI if they owe arrears for rent, damages or misrepresentation unless they have an agreement, or are attempting to make an agreement, for the payment of these arrears. SPP applicants are deemed to be responsible for only half the amount of arrears incurred jointly with their abuser.

The service manager is already permitted to waive this eligibility requirement if there are extenuating circumstances.

It is impossible to determine an applicant's eligibility for RGI without considering their arrears. It is meaningless to determine an applicant's eligibility for SPP without first determining their eligibility for RGI. Requiring the service manager to assess RGI and SPP eligibility prior to addressing rent arrears is complex at best. It complicates notice to applicants, compromises the ability of service managers to address arrears, and potentially establishes different RGI eligibility criteria for SPP and non-SPP applicants.

Make it easier for SPP households without certain information and documents to apply for SPP and RGI

The HSA requires applicants to provide information and documents as requested by the service manager in order to determine their eligibility for RGI or SPP. Under s. 43 of O. Reg. 367/11, a service manager shall not request information from an applicant if they are satisfied that the applicant is unable to provide it, or if it would place an SPP applicant at risk of abuse. CESM does not support further mandatory limitations to these requirements.

Service managers must have the ability to verify eligibility for RGI in order to maintain integrity in the system. SPP applicants should be subject to the same requirements as non-SPP applicants. CESM notes that SPP eligible applicants who are delayed in providing information are granted SPP per the original date of their request (O. Reg. 367/11, s. 52(1), paragraph 2). The need to waive information requirements should remain at the discretion of the service manager.

Similarly, s. 57 of O. Reg. 367 requires the service manager to waive SPP information requirements if the service manager is satisfied that the applicant is unable to provide it, or if it would place them at risk of abuse. CESM does not support further limitation of the SPP verification requirements. In particular, we are concerned that service managers should not be limited in their ability to verify residency. As SPP is intended to assist applicants separate from someone who is abusing them, such verification is necessary to ensure that priority on the waiting list is going to those for whom it was intended.

In 2016, SPP was granted in 61% of cases in CESM areas, and was as high as 79% in Simcoe County. SPP applicants are not being determined ineligible lightly. In fact, only 14% of SPP applicants in CESM areas were determined ineligible for lack of documentation.

Provide Service Managers with the flexibility to contact a safe alternative contact as identified by the SPP applicant

This practice is already in place in CESM service areas; however, CESM supports the need for clarity in the regulations.

Update the definition of spouse to recognize individuals who are legally married

In CESM service areas, legal spouses are already recognized as spouses for the purpose of determining SPP and RGI eligibility; however, CESM supports the need for clarity in the regulations.

Update the definition of abuse to clarify that for the purposes of the definition, children who are unrelated to their abuser have access to SPP

CESM supports a change to clarify that SPP may be granted in cases where abuse was inflicted by a parent or another person acting in loco parentis. CESM notes that this practice is already in place in its service areas.

Thank you for giving us the opportunity to comment on OMSSA's submission.

Central East Service Managers (CESM) Group