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**London**  
CANADA

# Housing Division Notice

**Date: September 18, 2012**

**HDN#: 2012 - 180**

This applicable legislation/policy is to be implemented by the housing provider(s) under the following programs:

Please note if your program is **not checked**, this change is **not applicable** to your project.

✓
✓
✓
✓
✓

Federal Non-Profit Housing Program (Rent Supplement Units Only)

Private Non-Profit Housing Program

Co-operative Non-Profit Housing Program

Municipal Non-Profit Housing Program (Pre-1986)

Local Housing Corporation

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**Subject: LOCAL RULE – CERTAIN CONVICTIONS** (*Replaces HDN#: 2002-26*)

**1. PURPOSE:**

To inform all housing stakeholders of the local rule, background and compliance standard under the *Housing Services Act, 2011 (HSA)* and associated regulations related to certain convictions.

**2. BACKGROUND AND COMPLIANCE STANDARD:**

The *Housing Service Act, 2011* under O.Reg. 367/11, s. 37, gives service managers the flexibility to establish an eligibility rule providing that a household is ineligible for rent-geared-to-income assistance if a member of the household has been convicted of certain offences. There is no requirement to set a local eligibility rule regarding convictions.

The determination of ineligibility is limited to convictions for the following offences:

- an offence under section 55 of the *Housing Service Act, 2011* or section 85 of the *Social Housing Reform Act, 2000*

- a crime under the *Criminal Code* (Canada) in relation to the receipt of rent-geared-to-income assistance.

The local eligibility rule must not provide for a household to be ineligible in respect of a conviction that occurred more than two years before the determination of ineligibility.

### 3. LOCAL RULE:

A household is ineligible for rent-geared-to-income if convicted of an offense under the *Housing Services Act, 2011*, *Social Housing Reform Act, 2000*, or a crime under the *Criminal Code (Canada)* related to the fraudulent receipt of rent-geared-to-income assistance.

Convicted households will be ineligible to apply for rent-geared-to-income assistance for a period of two (2) years from the date of conviction.

An individual who was, but is no longer, a member of the household convicted of such an offence or crime, may be eligible for rent-geared-to-income assistance if the service manager determines that,

- whether or not anyone else in the household knew the fraud was being committed or was able to prevent it; or
- a member of the household knew that the individual who was found to have made the misrepresentation was making it, but the member was not reasonably able to prevent the individual from making the misrepresentation

A member of the household has been convicted of such an offence or crime, may be eligible for rent-geared-to-income assistance if the service manager determines that,

- the period of time for which the household cannot reapply has expired (two years unless further extended by a local priority rule); or
- whether the household is a special priority household and the member was forced to make the misrepresentation by the abuser.

### 4. ACTION:

The local rule for Certain Convictions in determining initial and continued eligibility for rent-geared-to-income assistance be implemented by Housing Providers and the Housing Access Centre. All convictions under the *Housing Services Act, 2011*, *Social Housing Reform Act, 2000*, or the *Criminal Code (Canada)* related to the fraudulent receipt of rent-geared-to-income assistance shall be reported to the Housing Access Centre within thirty (30) days.

### 5. AUTHORIZATION:

Original signed by



Louise Stevens, Director Municipal Housing

Date:

Sept 18, 2012