



SH *notification*

social housing

Subject –Regulatory Amendments to the Special Priority Policy under Ontario Regulation 367/11 of the *Housing Services Act, 2011* (HSA)

Legislation/Regulation

Operational

Release 17-08

The purpose of this notification is to inform Service Managers of recent regulatory amendments to the Special Priority Policy (SPP), set out in Ontario Regulation 367/11 under the *Housing Services Act, 2011* (HSA).

SPP is intended to ensure that housing is not an inhibiting factor for a household to leave an abusive situation in circumstances where they cannot afford private market accommodation.

As part of the Long-Term Affordable Housing Strategy (LTAHS) Update released in March 2016, the ministry committed to improve housing options for survivors of domestic violence through a portable housing benefit pilot program for survivors of domestic violence and by making policy enhancements to the SPP.

Regulatory amendments to SPP are based on the recommendations brought forward by a cross-sector Working Group, reflect multi-sector consultations the ministry has undertaken with key stakeholders and are intended to strike a balance in meeting the original policy intent of SPP while acknowledging the evolving role of Service Managers as service system managers.

In general, regulatory amendments expand SPP to include survivors of human trafficking, improve the application process for survivor households and ensure the policy is culturally inclusive, relevant and reflective of the pattern of abuse experienced by some survivor households.

The attachment to this notification includes a high-level overview of the amendments to the SPP under Ontario Regulation 367/11. The ministry intends to release a policy guideline to further support the consistent implementation of the policy in the coming months.

Enforcement and Compliance Dates

Service Managers are required to comply with amendments on April 1, 2018 to align with the expanded Survivors of Domestic Violence Portable Housing Benefit Program which begins implementation roll-out on April 1, 2018.

To accommodate Service Managers who may be ready to implement the regulatory changes prior to April 1, 2018, the proposed regulatory amendments would come into force on January 1, 2018.

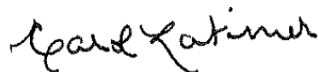
To address any issues pertaining to “straddling applications” – applications made but not determined before either the compliance date (April 1, 2018) or, the in force date (January 1, 2018) – Service Managers will be able to determine which provisions (existing and/or new) apply and are required to make public the approach they are taking to deal with straddling applications. Service Managers are encouraged to choose an approach that supports the best outcome for the household.

A link to the amended regulation is available through the following hyperlink:

[Ontario Regulation 367/11.](#)

Should you have any questions, please contact Rhona Duncan, Manager, Housing and Homelessness Policy Unit. Rhona Duncan can be reached by telephone at (416) 585-7228, or by e-mail at rhona.duncan@ontario.ca

Best wishes,



Carol Latimer
Director

Housing Policy Branch

Attachment

SH NOTIFICATION ATTACHMENT

SH Notification: Regulatory Amendments to the Special Priority Policy under Ontario Regulation 367/11 of the Housing Services Act, 2011 (HSA)

Release 17-08
December 13, 2017

Overview of key regulatory changes to SPP provisions under Ontario Regulation 367/11:

1. SPP has been expanded to include survivors of human trafficking as a new eligible group (Key Sections: 1, 32, 43, 54, 55, 56, 57, 58, 60, 72, and 81)

- Households who are currently being trafficked or those who have exited trafficking within a period of three months are eligible to apply for SPP.
 - Trafficking is defined as: “one or more incidents of recruitment, transportation, transfer, harbouring or receipt of an individual by improper means, including force, abduction, fraud, coercion, deception and repeated provision of a controlled substance, for an illegal purpose, including sexual exploitation or forced labour”.
- The inclusion of survivors of human trafficking as a new eligible group for SPP has created parallel policy structures whereby a household can apply for SPP as a survivor of domestic violence or as a survivor of human trafficking. While there are circumstances where a household may experience both types of abuse – domestic violence and trafficking, for the purposes of SPP eligibility, a household can only apply for SPP under one stream.
- With the exception of cohabitation requirements, eligibility requirements for households that apply for SPP as survivors of human trafficking are largely the same as eligibility requirements for households that apply for SPP as survivors of domestic violence.
 - Provisions that only apply to survivors of human trafficking are referenced in regulation as “abuse that consists of trafficking”.
 - Provisions that only apply to survivors of domestic violence are referenced in regulation as “abuse other than trafficking”.
 - Provisions that apply to both survivors of human trafficking and survivors of domestic violence are referenced in regulation as “abuse”.

2. Section 52 is amended to clarify that Service Managers must accept applications for SPP in circumstances where the household may not meet the requirements of Section 56. This will allow households without identification immediately on hand to apply for housing under the SPP and secure their spot on the centralized social housing waitlist.

3. Sections 44, 56, 61, 73 and 82 are amended to require Service Managers to request an alternate contact from the SPP applicant and where one is provided, require Service Managers to make reasonable efforts to reach out to that alternate contact when the SPP applicant is unable to be reached.

- This amendment does not:
 - Require the SPP applicant to disclose an alternate contact should they not wish to do so, nor would it allow Service Managers to disclose to the alternate contact (where one is provided) the nature of their communication with the SPP applicant.
 - Stipulate the method of communication in which the alternate contact should be reached by the Service Manager, or when the alternate contact should be reached.

- Stipulate the number of alternate contacts the Service Manager is required to request or, the number of alternate contacts contacted by the Service Manager.

4. Section 46 is amended to allow households to temporarily remove their application from the centralized housing waitlist for up to one year for the purposes of continuing to live with, or returning to live with, the abusing individual.

- This amendment is intended to address reconciliation in intimate partner cohabitating relationships as part of a cycle of abuse that some survivors of domestic violence experience. This does not apply to survivors of human trafficking.
- A household would be reinstated on the centralized housing waitlist based on the date that their application was made.
- A household can only leverage this provision once. Subsequent requests made by the household to temporarily remove their application from the waitlist must align with existing provisions in Section 46 and are at the discretion of the Service Manager.
- The abused member of the household would be required to confirm that they are continuing to live with/returning to live with the abusing individual, but would not be required to further verify reconciliation for the purposes of temporarily removing their application from the centralized housing waitlist.

5. The records of abuse in Section 58 have been removed. This section has been amended to require that the record of abuse, as prepared by an individual who is able to verify abuse, must confirm:

- The name of the abused member.
- A statement by the person preparing the record that they have reasonable grounds to believe that the member is being, or has been abused, by the abusing individual.
- A description of the circumstances that indicate that the member is being, or has been, abused.
- Information about the person who prepared the record, including his or her name, occupation and any professional designations.
- The date the record was prepared.

6. Section 58 has been amended to update the individuals that are able to verify abuse. A complete list of individuals are noted below with new additions/amendments identified:

- A doctor.
- A registered nurse or a registered practical nurse.
- A lawyer.
- A law enforcement officer.
- A minister of religion authorized under provincial law to perform marriages
- A teacher.
- A guidance counsellor.
- An individual in a managerial or administrative position with a housing provider.
- A registered early childhood educator **(NEW)**.
- An Indigenous Elder, Indigenous Traditional Person or Indigenous Knowledge Keeper **(NEW)**.
- A member of the College of Midwives of Ontario **(NEW)**.
- An aboriginal person who provides traditional midwifery services **(NEW)**.
- A psychotherapist, registered psychotherapist or registered mental health therapist **(NEW)**.

- A registered social worker **(AMENDED)**.
- A registered social service worker **(AMENDED)**.
- A person employed by an agency or organization that provides social support services in the community (the record must be signed by the person who prepared the record and by a person who has the authority to bind the agency or organization) **(AMENDED)**.
- A person who is familiar with the abuse if the record is accompanied, if required by the service manager, by a declaration of the truth of the record administered by a commissioner for taking affidavits.

Note: Individuals who are able to verify abuse (of households applying for SPP as a survivor of domestic violence) are the same individuals who are able to verify trafficking.

7. Section 1 is amended to clarify that for the purposes of the definition of abuse, abuse is done against a member of a household by any of the following persons:

- A person who is related to the member or any other member of the household.
- A person who is, or has been, in an intimate partner relationship with the member or any other member of the household.
- A person on whom the member or any other member of the household is emotionally, physically or financially dependent.
- A person who is emotionally, physically or financially dependent on the member or any other member of the household.
- A person sponsoring the member or any other member of the household as an immigrant.

Note: This definition only applies to households applying for SPP as survivors of domestic violence.