


<b>CityHousing Hamilton Corporation</b>			
CATEGORY	04	Operations	DATE APPROVED:
SECTION	01		UPDATED ON:
POLICY	07	Internal Review Committee	INTERNAL POLICY
<b>1.0 POLICY STATEMENT AND PURPOSE</b>			
<p>In accordance with the <i>Housing Services Act</i> (HSA), CityHousing Hamilton (CHH) provides a system for internal reviews through the Internal Review Committee (IRC) and through the Manager of Residency Administration for social housing applicants and residents to appeal a decision where requests have been denied.</p>			
<b>2.0 SCOPE</b>			
The policy will provide guidance in the manner in which internal reviews are conducted by CHH.			
<b>3.0 POLICY</b>			
<p>The IRC conducts internal reviews requested from social housing applicants and residents for the following decisions that are subject to an appeal:</p> <ul style="list-style-type: none"> <li>• Denied Housing for social housing applicants; and</li> <li>• The size and type of accommodation in which the household may live (“refusal to offer”).</li> </ul> <p>The Manager of Residency Administration conducts an internal for appeals for rent-geared-to-income (RGI) calculations, which are not appealable to the IRC. Decisions that are subject to an appeal include:</p> <ul style="list-style-type: none"> <li>• The amount of RGI rent that has been calculated and determined payable; and</li> <li>• The household is ineligible for rent-geared-to-income assistance (Subsidy Removal).</li> </ul>			
<b>3.1 IRC PANEL COMPOSITION</b>			
<p>The IRC members must be knowledgeable of the HSA and CHH housing policies and how they apply to decisions subject to review. CHH has the right to accept, deny or repeal membership on the IRC panel.</p> <p>The IRC panel is composed of the following members (however, alternate to management staff who sit on the IRC may occur, when required):</p>			

- Manager of Business Services;
- Manager of Operations;
- Operations Administrative Assistant; and
- A Service Manager Representative.

CHH will assess the panel membership on an annual basis to determine the need to remove or add members. IRC panel members will not receive remuneration for sitting on the panel.

Any conflict of interest between the IRC panel members and a social housing applicant or resident directly or indirectly must be made known in accordance with the City of Hamilton's Corporate Code of Conduct for Employees Policy, Schedule A, Conflict of Interest.

### 3.2 REVIEW PANEL DECISION MAKING

CHH staff acts as chair to facilitate each review meeting, document the final decision and send the decision letter to the person who requested the review.

No CHH staff person who participated in the original decision may participate in the review as a member of the IRC panel. IRC panel members may use precedent in making its decisions and will aim to treat all individuals equitably and may uphold or revise the original decision made by the CHH staff person(s).

IRC panel members will attempt to reach consensus, if this is not possible, the majority will determine the decision. Decisions are based on the information available to the IRC panel members at the time of the review meeting. Decisions are completed the same day of the review meeting.

The only decisions that are appealable by the IRC include the following:

- Cessation of Eligibility;
- The size and type of accommodation in which the household may live ("refusal to offer"); and
- The amount of RGI rent that has been calculated and determined payable.

All decisions completed by the IRC are final. If the applicant or resident does not agree with the decision completed at the IRC a further appeal can be submitted to the Housing Services Department at the City of Hamilton.

### 3.3 DECISION OUTCOMES FOR REQUEST FOR REVIEW

Possible decision outcomes for Request for Review (Review) can include the following:

- Upheld Decision – The IRC did not change the original decision made by CHH.
- Revised – The IRC changed the original decision.
- Returned/Out of Scope – Request is for a decision that is not a reviewable decision under the HAS.
- Withdrawn/Dropped – The social housing applicant or resident who requested the Review withdrew the request.
- Withdrawn/ Resolved with CHH - The issue to reviewed with the IRC prior to the meeting was

resolved by CHH staff.

- Absent/No Show – The social housing applicant or resident who requested the Review did not attend the IRC meeting and where the IRC will continue the review and uphold a decision.

An application or request may be resubmitted, should circumstances change or new information is available. The IRC has the right to determine how soon after an appeal should the resubmission of an application or request may be considered.

Any Review request that is not a reviewable decision under the HSA is not eligible to be reviewed by the IRC. The social housing applicant or resident who submits their request that are not reviewable will be given written notification that their request is out of scope for what the IRC reviews.

#### 4.0 PROCEDURE

CHH staff acts as chair to facilitate each review meeting, document the final decision and send the decision letter to the person who requested the review.

##### **Appeal Preparation:**

The Operations Administrative Assistant will complete the following upon receipt of the request to appeal the original decision for IRC to review:

- Arrange a date for the review within 30 business days of the request.
- Prepare a report summarizing all pertinent information on the social housing applicant or resident and why the original request was denied to the IRC. Where applicable, the report should be support by what is on file and new information submitted by the social housing applicant or resident.
- Input appeal arrears action into Northgate (NG) revenue account.
- Create an appeal contact into NG, customer services.

##### **Review Process:**

- The social housing applicant or resident may appear in person, be represented by an agent, or be accompanied by an agent. If the social housing applicant or resident and/or their agent do not attend the IRC Review, the original decision will be upheld.
- The Operations Administrative Assistant is responsible for completing minutes of the Review.
- Following the Review, the Chair will complete a Decision Form for the social housing applicant or resident, documenting the decision made, and the reason for the decision.

##### **Informing Applicant/Tenant:**

- A Notice Decision Letter will be sent by the Operations Administrative Assistant to the social housing applicant or resident within 10 business days from the date of the Review. The letter will outline the decision made, and the reason for the decision.
- The Operations Administrative Assistant will place a copy of the Decision Form into the IRC Review file and one copy in the social housing applicant or resident file.

#### 5.0 LEGAL REQUIREMENTS

- *Housing Services Act, 2011*
- Ontario Regulation 367/11

## 6.0 RESPONSIBILITY

It is the responsibility of the CEO to ensure all appropriate staff is trained on this policy.

The Operations Administrative Assistant is required to coordinate meeting dates, contacting reviewing participants, prepare review packages, and tracking requests and outcomes.

## 7.0 DEFINITIONS

**Housing Services Act, 2011 (HSA):** This legislation replaced the Social Housing Reform Act on January 1, 2012. It preserves the administrative and funding responsibility for housing with Service Managers within a more flexible framework.

**Internal Review:** is a process by which a resident or applicant can request an independent review of an original decision made by CHH.

**Rent-Geared-To-Income (RGI) Assistance:** The subsidy paid to a social housing provider named under the Housing Services Act to allow a defined number of units to be rented to low-income tenants on a rent-geared-to-income basis. The RGI or Rent Subsidy equals the difference between the actual rent paid by the qualifying tenant (paying approximately 30% of their income), and the government-approved market rent of a unit.

**Tenant:** is a person who pays rent in return for the right to occupy a unit and has signed a lease or tenancy agreement.

**Cessation of Eligibility:** means the removal of RGI assistance and where the resident no longer qualifies for RGI assistance.

## 8.0 REFERENCES AND RELATED POLICIES

- Duty To Accommodate Policy
- Exceptional Emergency Circumstances Transfers Policy
- Market Rent Transfers Policy
- Medical Transfers Policy
- Other Tenant Transfers Policy
- Overhoused Transfers Policy
- Subsidy Removal Policy

## 9.0 ATTACHMENTS

- [IRC Notice of Hearing Letter](#)
- [IRC Approve to Transfer Letter](#)
- [IRC Deny to Transfer Letter](#)

10.0 RATIONAL FOR CHANGE
N/A