



August 31, 2017

Re: Amendments to O. Reg. 367/11 under the Housing Services Act, 2011

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CC: Janet Hope, OMSSA Board of Directors, OMSSA 47 Leadership Table, OMSSA staff

Established in 1950, the Ontario Municipal Social Services Association (OMSSA) is a non-profit organization whose members are the Consolidated Municipal Service Managers (CMSMs) and District Social Services Administration Boards (DSSABs) across Ontario. We support leadership in integrated human services through strong local service system management in all municipalities. We have consulted and ask the province to also consider submissions made by AMO and ONPHA.

OMSSA members who make up the 47 service managers in Ontario, strongly support and applaud the provincial government's intention behind the Special Priority Policy (SPP) supporting victims of domestic violence and survivors of human trafficking. OMSSA also recognizes the issue of human trafficking in Ontario communities and supports the inclusion of survivors of human trafficking into the SPP. OMSSA recognizes the need to grant priority status to these applicants and wants to partner with the province in addressing those facing an urgent crisis.

OMSSA members recognize and agree that housing is not the complete solution to this issue. Support services are crucial to successful tenancies and additional resources are required to ensure successful outcomes within the service manager areas. We all have an interest in achieving positive outcomes.

In previous submissions, OMSSA has raised concerns surrounding the (SPP). These concerns include the impact on the social housing system and, particularly wait lists. Specifically, those on the chronological

wait list are disadvantaged and face longer wait times because SPP makes up a large percentage of filled current vacancies. Each service manager is impacted differently depending on local issues and circumstances. For example, York Region found that SPP applicants make up less than 3% of applicants but resulted in 45% of family RGI vacancies filled in 2003. A 2012 report from the City of Toronto demonstrates a similar impact to the chronological wait list and social housing system. Rural areas are also facing challenges of increased SPP demand while housing supply remains the same. Service managers on our August, 2017 SMHN/HPN call verified that this remains an issue in their communities today. If the social housing supply shortage is not addressed, the chronological wait list will continue to grow and take longer for placement.

Concerns have also been raised about potential abuse of the application process. Many applicants are aware SPP applicants receive priority status and some may attempt to apply under SPP to secure a quicker placement than those on the chronological wait list. SPP must ensure timely access for those in urgent situations, but also must achieve fairness and balance to address the needs of all individuals in need of housing.

Verifying the eligibility of SPP has resulted in an additional administrative burden and an increased cost on municipalities. Local flexibility is required to manage wait lists, local rules and address other priorities such as reducing homelessness. While service managers recognize their role in supporting victims of domestic violence and survivors of human trafficking, the province must consider the impact of provincial policy on the social housing system and provide additional resources to service managers to address these serious issues. This includes providing the necessary financial support to increase the supply of RGI housing across the province and the wrap around supports vulnerable people rely on. The supply of affordable housing must be increased. The need for supportive services in addition to housing must be recognized to achieve long term sustainable outcomes. Without the additional supports, service managers are being set up to fail. The opportunity to increase the housing supply to address SPP applicants in balance with the chronological wait list should be a priority the next time LTAHS is reviewed and updated. The recent announcement resulting in \$657M in new funding for social housing in Ontario is welcome news.

While service managers have found the goals behind SPP have already largely been met in terms of prioritizing placement for SPP applicants, they are uneasy about the concentration of victims of domestic violence within common buildings. This presents a safety concern for vulnerable tenants. Further, many of the landlords in these buildings are not able to provide supportive services such as counselling, addiction and mental health resources required to produce the intended positive outcomes.

The portable housing benefit pilot for victims of the domestic violence has been well received by participating service managers. They believe that the portable housing benefit model is a preferred solution over the RGI system to support victims of domestic violence and survivors of human trafficking. A choice based solution that allows for cross jurisdictional options funded by the province makes sense for SPP applicants and service managers.

Service managers have expressed concern that funding for the current Victims of Domestic Violence portable housing benefit pilot expires in March 2018. What happens to those placed under the pilot? New funding for the next 3 years to support an additional 3000 people announced in the 2017 provincial budget is positive, but it is unclear how it impacts the status of those already placed as part of the pilot. Sustainable long term funding must be provided to ensure sustainability for those currently placed. ***OMSSA calls on the provincial government to move forward with a permanently funded, portable housing benefit for SPP applicants following the conclusion of the pilot.***

Regarding the proposed regulation changes posted under Reg. 367/11 (General), OMSSA is generally supportive. On each of the changes, our members have provided the following feedback:

- **Expand SPP rules to include survivors of human trafficking;**

While our members broadly support the inclusion of survivors of human trafficking in the SPP category, there is a general concern that there are no new resources being added despite the expansion of eligibility. Clarification is required on the definition and how it may apply to workers of the sex trade generally. Labour-forced trafficking may also require additional clarification. This area is relatively new and it is unclear how verification could be implemented for the purposes of SPP. Would certain agencies or individuals with experience in this area be able to see and verify those who are trafficked for the purposes of SPP? Service managers want to maximize positive outcomes and implement consistent policies across the province for sexual and labour-forced trafficking issues within their communities.

There are also some concerns about pressure on the existing social services system, wait lists and concentration of SPP applicants within individual housing providers. Service managers do not have the skillset to verify victims and survivors of human trafficking. Intimate partner violence cannot be compared or equated to the criminal activity of human trafficking. Further, service managers lack the expertise to mitigate risks and ensure that all individuals are protected in social housing, specifically vulnerable populations housed under SPP or others in social housing. Additional training or resources may be required to address this area effectively.

It is acknowledged that the portable housing benefit model may be a better solution to produce positive outcomes for SPP applicants while also servicing those on the chronological wait list. It was recognized that human trafficking is a problem in local communities and service managers are eager to be part of the solution by including survivors of human trafficking into SPP. In addition, members commented that support for wraparound services is needed from MCSS and other relevant government bodies e.g. the LHINS, to address the cycle of abuse experienced by clients.

- **Allow SPP households to place their application on hold (and maintain their place on the centralized waitlist), if they reconcile with their abuser; (Would not apply to SPP households who accessed the policy as a survivor of human trafficking.)**

This regulation could present a significant administrative burden to service managers and may not be in the best interests of a vulnerable individual attempting to flee domestic violence. A time frame (potentially 3-6 months) should be considered as service managers feel an application should not be on hold indefinitely. Reconciliation should not be encouraged in situations where there is a history of domestic violence that has been documented by service managers, as it is also their duty to support clients in making safe decisions. In some cases, this could be a risk management issue. It may also prevent someone else on the SPP wait list from being served if a spot is held indefinitely for someone who plans to reconcile permanently or over a long time.

Clarification is also required. Historically, legislation has stated that service managers can never take the SPP designation away once given. What if the applicant doesn't declare that they are no longer in an SPP situation? What if a shelter provides a letter stating the SPP client has gone back to their abuser or that the shelter is not supporting the applicant anymore? Can a third party identify this with the outcome that the SPP client is removed from SPP list and returned to the chronological wait list? ***Based on the feedback we received from a majority of OMSSA's membership, service managers would be opposed to the regulation change related to reconciliation.***

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

There were no serious concerns with this regulation change if applied consistently. Flexibility is requested by service managers to address local needs. In some cases, service managers are already ahead of the province with their local rules designed to help vulnerable individuals within their own communities.

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

There are no concerns with this regulation change. Local flexibility is required to expand this list as local circumstances require or unique cases arise. However, an understanding of what constitutes as an Indigenous elder as a professional who can verify abuse, needs to be clearly defined for service managers to understand who fits into this category. OMSSA members have requested that clarification be received from the Indigenous community on this issue to ensure cultural sensitivity in service delivery. The verifiers should also be as inclusive as possible to incorporate all victims of domestic violence and survivors of human trafficking. It should also be noted that the Controlled Act of Psychotherapy Bill is in the process of being developed by the Ministry of Health that seeks to regulate who can and cannot be called a therapist or counsellor. This may have an impact on the SPP because not all organizations or persons assessing situations of domestic violence will be eligible to use that nomenclature under these potential changes.

- **Require that service managers determine household's eligibility for SPP and RGI prior to addressing rent arrears or amounts owing;**

While this amendment could be beneficial for clients that owe money in arrears, especially when the arrears are significant, some clarification is required. Would this mean that a person would be made eligible for SPP and not have to provide an arrangement to repay arrears at all or would a repayment plan have to be made before accepting an offer?

Some housing providers may not offer a placement to someone who has outstanding rent arrears. Under the current legislation, to apply for SPP, one must qualify for RGI which includes dealing with arrears. This could also add an administrative burden in attempting to qualify potential candidates for SPP and RGI ahead of an arrears plan being in place. It would require an ongoing review of arrears, and potential default of arrears. This needs to be carefully thought out. Perhaps discretion could be made by service managers to waive rent arrears or other amounts owing, when these are due to the result of abuse or trafficking.

It may be detrimental to place SPP candidates prior to qualifying and receiving RGI support. Once eligibility is ultimately confirmed, the issue of rent arrears must still be addressed. If someone is a victim, it does not forgive their past indiscretions.

- **Provide service managers with the flexibility to contact a safe alternative contact as identified by the SPP applicant;**

Clearly this amendment is in the best interest of the client and should be supported. Many service managers are already doing this as part of their SPP process. Concerns were raised by our membership relating to privacy legislation (sections 163 and 164) as a potential barrier to implementing this initiative. OMSSA has repeatedly asked for clarity and a consistent interpretation on how privacy legislation should be interpreted by service managers in the delivery of social services that is in the best interest of the client.

- **Make it easier for SPP households without certain identification and documents to apply for SPP and RGI;**

Service managers do not want to open the flood gates of persons wanting to jump in front of the line by filing for SPP if they do not require documentation. To avoid this risk, service managers identified the acceptance of alternate identification, such as the provision of a letter from an ID clinic, as well as acknowledgment of the original date of a pending application to move clients forward. Local flexibility is required for service managers to make decisions in the best interest of clients. There are already stipulations under the HSA that allow service managers to waive documentation requirements if the service manager is satisfied the household is unable to do so or where abused or other households members feel their safety is at risk in obtaining the information. Reasons must be clearly documented in the household's file when a household is not required to provide information based on the

circumstances above (O. Reg. 367/11, s. 58 (1-4)). It is unclear how the proposed amendment is different from existing provisions. OMSSA members are happy to share best practices with the province on what is currently being done within their communities to ensure the application process is as inclusive and consistent as possible.

Some members were uneasy that identification and documentation would be harder to collect if clients were allowed on the list with an incomplete application. This could delay placement and extend the waiting lists. It could also be an administrative challenge for service managers. Currently some service managers allow applications to be back dated once the full documentation is collected and the application deemed complete. It was suggested that households with no documents should be made to swear an affidavit of their situation.

- **Update the definition of spouse to recognize individuals who are legally married; and, 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.**

There were no serious issues with this proposed change, however maximum local flexibility is required to address local needs and unique circumstances. The list should be further expanded to encourage maximum inclusiveness and a wide scope for the purposes of definition. The goal should be to support as many legitimate applicants as possible within each local community, given consistent rules, definitions and standards.

- **Legislation recommendations**

It is recommended by WeFiGHT (based in Windsor and forwarded by the service manager) that the Housing Services Act, 2011 Ontario Regulation 367/11 General Section 54. (1) Special priority household category – eligibility be expanded to include the bolded text:

(d) the abused person’s living situation was being controlled/maintained by the abusing individual and those accommodations are not viable

(e) the abused person(s) must be relocated due to safety concerns relating to the abusing person or known associates

Section 58. (2) 3. be amended to read “A record of the application of force **&/or coercion through threats, deception, fraud** by the abusing individual against the member to force the member to engage in sexual activity against his or her will”.

Section 58 (2) 6. viii. be amended to read “Forcing **&/or coercing** the member **through threats, deception, fraud** to perform degrading or humiliating acts”

Section 58 (2) add to 6. item **xv. Use of force or coercion through threats, deception, fraud to exploit another person's labour/actions for the abusing person's profit/benefit.**

Thank you very much for the opportunity to provide feedback on this proposed regulation and for considering the views in this submission from the Ontario Municipal Social Services Association. Service managers look forward to working with our provincial partners to support victims of domestic violence and survivors of human trafficking with housing and the required supportive services to produce positive outcomes.

Sincerely,

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