

MARIPOSA CO-OPERATIVE HOMES INC.

A By-law to comply with the
Ontario Social Housing Reform Act

By-law No. 9

SOCIAL HOUSING REFORM ACT BY-LAW

Model for Ontario-Program
Housing Co-operatives

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Directors on December 2, 2002

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Introduction

This by-law contains rules which Mariposa Co-operative Homes Inc. (the Co-op) is adopting to comply with the Ontario *Social Housing Reform Act*.

It changes the Co-op's existing by-laws in the following areas:

- Occupancy Agreement and Appendices (Schedule A, and Appendices A, B-1 and B-2)
- Required internal transfers (Article 3)

- Guest rules for members who pay a geared-to-income housing charge (Article 4)
- Special needs eligibility and waiting list (Article 5)
- Procedures for decisions, internal reviews and notices (Article 6)
- Selection of geared-to-income and special needs members (Article 7)
- Forms to be used by the Co-op (Forms A to K)

1. About this By-law

1.1 Special Meanings

Certain words have special meanings when used in this By-law.

- (a) "**Social Housing Reform Act**" means the Ontario *Social Housing Reform Act*, including all amendments to bring it up to date.
- (b) "**Co-operative Corporations Act**" means the Ontario *Co-operative Corporations Act*, including all amendments to bring it up to date.
- (c) "**Regulations**" means official Regulations passed by the Ontario government under the *Social Housing Reform Act*, including all amendments to bring them up to date.
- (d) "**Local Rules**" means rules and standards that are officially set by the Service Manager in compliance with the *Social Housing Reform Act*.
- (e) A "**Service Manager**" is the municipal body that related to the Co-op under the *Social Housing Reform Act*. The Service Manager for the Co-op is the Region of Halton
- (f) "**Government Requirements**" is a term used in this By-law to refer to the rules that apply to co-ops as stated in the *Social Housing Reform Act*, the Regulations, Local Rules or any of them.
- (g) An "**Internal Review**" is a review of a decision about geared-to-income or special needs housing resulting from an appeal by an applicant or member under Government Requirements. Procedures for internal reviews by the Co-op are in Article 6

(procedures for Decisions, Internal Reviews and Notices) and Article 7 (Selection of Geared-to-Income and Special Needs Members).

Words that have special meanings in the *Social Housing Reform Act* and the Regulations have the same meaning when used in this By-law unless another meaning is clearly intended.

Some other words have special meanings in this By-law. These include:

- Applicable occupancy standards (section 3.6)
- Special needs households and special needs units (section 5.5)
- Household (section 6.6)
- Business days (section 6.15)

1.2 Applicable Rules

Many of the rules applicable to co-ops are set out in the *Social Housing Reform Act*, the Regulations and Local Rules. The Co-op must obey these rules even if they conflict with its by-laws. The Co-op must also continue to follow the rules in the *Co-operative Corporations Act*.

If there is a conflict among rules, they will govern in this order:

1. the *Co-operative Corporations Act* and the *Social Housing Reform Act*
2. the Regulations under the *Social Housing Reform Act* and any regulations that are relevant under the *Co-operative Corporations Act*
3. Local Rules
4. this By-law, including the Appendices and Forms
5. the other by-laws of the Co-operative.

1.3 Relation to Other By-laws

- (a) This By-law takes the place of or amends all previous by-laws or resolutions that deal with matters covered by this By-law. If there is a conflict, this By-law governs.
- (b) The following by-laws, or parts of by-laws, are repealed when this By-law is passed:
 - the Housing Charge Assistance By-law (By-law No. 5)
 - the Occupancy By-law (By-law No. 4),
 - section 3.6, (Housing Charge Subsidy)
 - Schedule A, Occupancy Agreement
 - Schedule A, Appendix A, Charges to the Member
 - Schedule A, Appendix B, Terms of the Member's Housing Charge Subsidy
 - the Member Selection and Access By-law (By-law No. 6), section 3, Eligibility Criteria for Housing Charge Assistance, section 4, Occupancy Standards and Section 6, Waiting List

2. Occupancy Agreement

2.1 Occupancy Agreement

- (a) The Occupancy By-law includes Schedule A, Occupancy Agreement and Appendices A, B-1 and B-2. Appendices A and B-1 will be used for all members. The attached Appendix B-2, Terms of the Member's Housing Charge Subsidy, will be used only for members who pay a geared-to-income housing charge.
- (b) The Co-op and the members must obey this By-law and the Occupancy Agreement and the Appendices to the Occupancy Agreement that apply to them, even if a particular member has not signed an Occupancy Agreement or the Appendices.

2.2 Signing Occupancy Agreement

- (a) New members must sign Schedule A, Occupancy Agreement and Appendices A and B-1 when their membership in the Co-op begins. If they pay a geared-to-income housing charge, they must also sign Appendix B-2.
- (b) Existing members who pay a market housing charge must sign Appendices A and B-1 when they would be signing a new Occupancy Agreement.

- (c) Existing members who pay a geared-to-income housing charge must sign Schedule A, Occupancy Agreement and Appendices A, B-1 and B-2 within 12 months of this By-law passing. The Service Manager may require new Appendices to be signed sooner.
- (d) Existing members who pay a market housing charge and start to receive geared-to-income assistance must sign Appendices A, B-1 and B-2 when they start to receive geared-to-income assistance.
- (e) Existing members must sign Appendices A and B-1, and Appendix B-2 if applicable, when there is a change in their household size.
- (f) Members who pay a geared-to-income housing charge must make sure that non-member occupants in their household sign the Appendices as stated in the signature section.

3. Required Internal Transfers

3.1 Purpose of Article 3

The Regulations require the co-op to set policies and procedures for internal transfers of geared-to-income households. These policies and procedures must comply with Government Requirements. They are different from the Co-op's earlier policies as stated in its by-laws.

3.2 Relation to Other By-laws

The policies and procedures set out in this Article are intended to work with the Co-op's existing by-laws. If there is a conflict, this By-law governs. This By-law covers only required moves for:

- households paying a geared-to-income housing charge who have requested an internal move and been given special priority status by the Co-op and
- special needs households who have requested an internal move and been given special priority status by the Co-op
- households who pay a geared-to-income housing charge and are overhoused under applicable occupancy standards (see section 3.6) and
- households who live in a special needs unit and are no longer eligible for special needs housing.

For other transfers refer to the Co-op's Internal Transfer By-law.

3.3 Internal Waiting List

The Co-op will have a waiting list for internal transfers. The Internal Waiting List will include transfers required under this By-law and all other transfers.

3.4 Existing Waiting List

The Co-op's internal waiting list at the time this By-law is confirmed will be continued as the Internal Waiting List referred to in this By-law. It will be adjusted as necessary to fit the categories and rules stated in this By-law.

3.5 Priority

- (a) This Article states the order of priority for allocating a unit when it becomes vacant. It is subject to all Government Requirements and the specific provisions set out in this By-law.
- (b) The Board of Directors will offer the unit in the following order:
- **first**, to geared-to-income or special needs members who have requested an internal transfer and been given special priority status by the Co-op,
 - **second**, to members who have to make a required transfer under this By-law. They will be ranked in the following order:
 - section 3.8 (Overhoused Geared-to-Income)
 - section 3.9 (Special Needs - Modified Units)
 - section 3.10 (Special Needs - Support Services)
 - **third**, to members on the Internal Waiting List who are required to transfer under the Co-op's bylaws
 - **fourth**, to members who have requested an internal transfer
 - **fifth**, to external applicants.

3.6 Applicable Occupancy Standards

In this by-law "applicable occupancy standards" means the occupancy standards in Government Requirements that are used to determine the size of unit that a geared-to-income household can occupy.

- (b) Within this category, priority will be based on the date of application for geared-to-income assistance. If a household has applied more than once for geared-to-income assistance, the Co-op will use the last date they applied to set priority.

3.10 Special Needs - Modified Units

- (a) This category is made up of households who occupy modified units and who are no longer eligible for this type of special needs housing. The Board can give them a Notice to Transfer.

These households are no longer considered special needs households so applicable occupancy standards apply to them.

- (b) Within this category, priority will be based on the date of delivery of the Notice to Transfer.
- (c) A household will not lose eligibility for special needs housing only because its relationship with a support services agency has ended.

3.11 Special Needs - Support Services

- (a) This category is made up of households who occupy special needs units that are not modified and who are no longer eligible for special needs housing. If households are no longer eligible, the board can give them a Notice to Transfer under clause (b) or clause (c), if applicable.

- (b) These households are no longer considered special needs households, so applicable occupancy standards apply to them. The Board can give them a Notice to Transfer if they do not meet applicable occupancy standards.

- (c) Even if a household that is no longer a special needs household meets applicable occupancy standards in the special needs unit, the Board can give them a Notice to Transfer if:

- the specific unit that they occupy is part of an arrangement with a support services agency, and
- another unit cannot be substituted in the arrangement with the support services agency without breaking the Co-op's agreement with it or causing significant trouble for it.

- (d) A household will not be given a Notice to Transfer only because its relationship with a support services agency has ended.
- (e) Within this category priority will be based on the date of delivery of the Notice to Transfer.

3.12 Procedure for Required Transfer

- (a) This section applies to Notices to Transfer under sections 3.9 to 3.11. It replaces any notice requirements or other procedures relating to these notices in the Co-op's other by-laws.
- (b) The decision to issue a Notice to Transfer must be made by a Board motion recorded in the minutes of the board meeting. It should be in the confidential minutes.
- (c) The household will be entitled to an internal review of the decision to issue a Notice to Transfer. See Article 6 (procedures for decisions, internal reviews and notices).

3.13 Alternative Procedures

- (a) The Board does not have to issue a Notice to Transfer even if a household is within sections 3.9 to 3.11. For example, the Board might not give a Notice to Transfer if:
 - the household misrepresented its household size or situation in order to get its present unit
 - there is no member occupying the unit because the member has died or left the unit.
- (b) In these circumstances, the Board can decide not to issue a Notice to Transfer. It can start eviction proceedings under the Occupancy By-law.
- (c) Giving a Notice to Transfer does not waive any of the Co-op's other rights. The Board can both give a Notice to Transfer and start eviction proceedings.

3.14 Effect of Refusals - Special Priority Households

Households within section 3.7 may refuse the first **two** appropriate units that are offered to them. If they refuse to transfer to the **third** appropriate unit that is offered to them, they will be removed from the internal transfer list.

3.15 Effect of Refusals - Overhoused Geared-to-Income Households

Households within section 3.9 (Overhoused Geared-to-Income Households) may refuse appropriate units as allowed under the Government Requirements.

If a household has not moved and is still overhoused, they will be removed from the Internal Waiting List when required under Government Requirements. This could result in the household being put on the Service Manager's centralized waiting list or the household losing geared-to-income assistance.

If the household has been removed from the Internal Waiting List for a required transfer, the household may apply for a voluntary transfer.

3.16 Effect of Refusals - Special Needs Households

Households within sections 3.10 and 3.11 may refuse the first **two** appropriate units that are offered to them. If they refuse to transfer to the **third** appropriate unit that is offered to them, they may be evicted. Procedures for eviction are stated in the Occupancy By-law.

3.17 Role of Staff in Making Offers

- (a) Co-op staff are authorized to make offers to households that are required to transfer under this By-law without referring them to the Board.
- (b) Co-op staff and directors will keep the Board up to date on information they may have regarding potential move-outs and internal transfers. This is to permit offers to be made quickly.

3.18 Serious Damage to Unit

Despite anything in the Co-op's bylaws, if the Board determines that a household is required to move because of fire or other serious damage to their unit or contamination of their unit or any other reason that requires the unit to be vacant, the Board can offer any vacant unit to that household. When the household's original unit is repaired, they will move back. The Board can decide to give them the option of staying in the new unit. If they agree to stay in the new unit, the original unit will be available for an internal transfer.

3.19 Priority if Member Unavailable

If the Co-op is unable to contact the member with priority on the Internal Waiting List within **48 hours**, the unit will be offered to the next eligible member. The original household will retain its priority on the Internal Waiting List.

3.20 Notification of Acceptance

- (a) Members must notify the Co-op office within **48 hours** of being offered a unit whether they wish to accept the unit. If they fail to do so, they will be considered to have refused the unit.
- (b) Once a member on the Internal Waiting List has accepted a unit, the member must vacate his or her existing unit and move into the new unit on the date specified when the unit was offered. Acceptance of the unit may not be withdrawn without the consent of the Board. Members of the household cannot appeal the Board's decision.
- (c) When a member accepts a unit, they must come into the office and sign a form provided by the Co-op accepting the unit and agreeing to move and/or a new Occupancy Agreement. This should be done within the **48 hours**, but can be postponed by Co-op staff if it is a weekend or is inconvenient for other legitimate reasons.

3.21 No Liability

Anything in the Co-op's by-laws, or any commitment made by anyone that is not authorized by the Board, will not create liability for the Co-op. The Co-op will not be liable to anyone for:

- any error, omission, or mistake concerning the Internal Waiting List
- the allocation of units or geared-to-income assistance
- the failure to allocate units or geared-to-income assistance to persons on the Internal Waiting List.

3.22 Things Not Stated in By-laws

The Board will decide anything relating to the Internal Waiting List not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.

4. Guest Rules

4.1 Purpose of Article 4

The Regulations require the Co-op to set rules for the temporary accommodation of guests in geared-to-income units. This Article only applies to households who pay a geared-to-income housing charge.

4.2 Relation to Other By-laws

The policies and procedures stated in this Article are intended to work with the Co-op's existing by-laws. If there is a conflict, this By-law governs.

4.3 Guest Rules

The Co-op's guest rules for members who pay a geared-to-income housing charge will be as stated in Article 7 of the Occupancy By-law, especially sections 7.4 (Casual Guests) and 7.5 (Long-Term Guests), except as changed by this By-law.

4.4 Income of Guests

Despite anything in the Occupancy By-law or the Co-op's other by-laws, if anyone is accommodated in a unit for more than **three months** for any number of visits during any twelve-month period, the income of that person must be included when calculating a geared-to-income housing charge. The Board can choose the twelve-month period.

If Government Requirements are changed to establish a time limit for including income of guests, or a maximum time limit for co-ops to use, that time limit or maximum time limit will apply instead of what is stated in this By-law.

4.5 Signing Appendices

If a guest's income is included under section 4.4, the household must submit new Appendices A, B-1 and B-2 to the Occupancy Agreement including the guest's signature.

5. Special Needs Eligibility and Waiting List

5.1 Purpose of Article 5

The Regulations require the Co-op to keep an external waiting list for special needs housing and to deal with eligibility for special needs housing. The Regulations include modified units within the definition of special needs units. The Regulations and this Article only apply to special needs units in the Co-op's targeting plan

5.2 Relation to Other By-laws

The policies and procedures stated in this Article are intended to work with the Co-op's existing by-laws. If there is a conflict, this By-law governs.

5.3 Delegation

The Board may delegate all or some of the functions stated in this Article to another party, such as a support services agency of the Service Manager. This could include related functions stated in Article 6 (Procedures for decision, internal reviews and notices). There should be an agreement signed with that party. Any such agreement will allow for confidential information to be shared between the Co-op and the other party. There must be appropriate safeguards.

When functions have been delegated, the parts of this Article that apply to those functions will not apply.

5.4 Existing Arrangements

If there is an existing lease or agreement with a support services agency or other party, the Board is authorized to renegotiate that arrangement as necessary to comply with Government Requirements and to sign a new lease or agreement with that party or any other party.

5.5 Special Needs Households and Special Needs Units

- (a) In this By-law "special needs household" means a household that has applied for and been determined to be eligible for special needs housing as stated in section 5.9 (Eligibility Review) and has not ceased to be eligible.
- (b) There could be other people living in the Co-op who qualify for special needs housing, but they are not considered special needs households unless they occupy a unit described in clause (c).
- (c) in this By-law "special needs units" are:
 - modified units in the Co-op's targeting plan
 - specific non-modified units that are part of an arrangement with a support services agency and are in the Co-op's targeting plan
- (d) The Board can substitute a different non-modified unit for a non-modified special needs unit when:
 - a non-modified special needs unit is vacant or
 - a special needs household occupying a non-modified special needs unit wants to transfer to another non-modified unit.

The original unit will no longer be a non-modified special needs unit.

The Board does not have to do this. The Board can only do this if it would not be breaking the Co-op's targeting plan. The Board must consider the requirements of any arrangement with a support services agency.

- (e) A special needs household occupying a special needs unit can only transfer to another special needs unit and still be considered a special needs household.

5.6 Waiting List

The Co-op will have a waiting list for households that have applied for and are eligible for special needs housing. It will be separated as appropriate for each type of special needs housing available at the Co-op. It will show the size and type of unit that each household wishes and for which it is eligible.

5.7 Previous Waiting List

Before this By-law was passed there may have been waiting lists for special needs housing kept by the Co-op, by the Service Manager or by a support services agency under a lease or agreement with the Co-op. At the time this By-law is confirmed those lists will be continued as the list referred to in this By-law. It will be adjusted as necessary to fit the categories and rules stated in this By-law.

For an agency or Service Manager list to be continued as the list under this By-law the agency or Service Manager must give the Co-op a copy of its list and the application and other relevant materials for each applicant.

5.8 Policies and Procedures

- (a) The Co-op will follow the procedures stated in Government Requirements.
- (b) The Board will adopt all necessary additional detailed procedures.
- (c) There will be no charge for applying or accepting or processing an application for special needs housing.
- (d) All eligible applicants who have submitted a completed application will be placed on the waiting list. Eligibility will be determined as stated in section 5.9 (Eligibility Review)

- (e) Ranking on the waiting list for each category of special needs unit will be by the date a completed application was received. Categories of unit will be determined based on both physical characteristics of the unit and the available support services.
- (f) Despite (e), a special priority household ranks higher than any other household that is not special priority. Special priority households will be ranked as stated in Government Requirements.
- (g) Units will be offered to the households as stated in the Regulations. Any occupancy standards for sizes of unit do not apply.
- (h) Units will be offered to households whether or not they have applied for, or are eligible to pay, a geared-to-income housing charge. If they are eligible, they will pay a geared-to-income housing charge if that is stated in Government Requirements.
- (i) Being placed on the waiting list does not guarantee that a household will receive a unit. The Co-op's membership approval process must still be followed as applicable to a market or geared-to-income unit. A unit will not be offered to a household until the household has been approved for membership. The Co-op can also make an offer before approval, but it can be withdrawn if the household is not approved (even if the household has accepted the offer).

5.9 Eligibility Review

- (a) The Co-op will review the eligibility of each household that applies for special needs housing.
- (b) Each year the Co-op will review the eligibility of each household on the special needs waiting list and each household occupying a special needs unit.
- (c) Eligibility criteria will be determined under Government Requirements. If these are not complete enough, the Board will make any other required decisions regarding eligibility criteria. The Board can consult others as stated in clause (g).
- (d) The Board will adopt all necessary additional detailed procedures.
- (e) Members and applicants must co-operate and provide any information requested by the Co-op in connection with the review.
- (f) Members must give the Co-op written notice within **20 business days** of:

- any change in any information relating to a household's eligibility for a modified unit or special needs housing
 - any change in a document previously given to the Co-op, the Service Manager or a support services agency relating to a household's eligibility for special needs housing.
- (g) The Board will not make determinations of eligibility itself (except on an internal review). Determination of eligibility will be made, in whole or in part by:
- a staff person,
 - a director designated by the Board
 - a committee (not including directors) or
 - a support services agency.

Who makes the decision may be different depending on the type of special needs housing. The Board will decide who will make the decision. The Board will ask the decision-maker to sign a confidentiality agreement, if the confidentiality provisions of the Co-op's by-laws do not apply to them, unless they are bound by professional or other adequate confidentiality obligations.

- (h) Article 6 (Procedures for Decisions, Internal Reviews and Notices) will apply with respect to decisions relating to eligibility.
- (i) Households could cease to be eligible because of a change in the medical condition of a member of the household or the death of a member of a household or for other reasons.
- (j) If a household on the waiting list is not eligible, or is no longer eligible, for a unit, then it will be removed from the waiting list.
- (k) If a household occupying a unit at the Co-op ceases to be eligible, Article 3 (Internal transfers) will apply.

5.10 No Liability

Anything in the Co-op's by-laws, or any commitment made by anyone that is not authorized by the Board, will not create liability for the Co-op. The co-op will not be liable to anyone for:

- any error, omission, or mistake concerning special needs waiting lists

- the allocation of units or geared-to-income assistance
- the failure to allocate units or geared-to-income assistance to persons on special needs waiting lists

5.11 Things Not Stated in By-laws

The Board will decide anything relating to the special needs waiting lists not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.

6. Procedures for Decisions, Internal Reviews and Notices

6.1 Purpose of Article 6

Under government Requirements the Co-op must use specific procedures when making certain kinds of decisions about special needs housing, geared-to-income assistance and refusing applicants. These procedures are different from the Co-op's earlier procedures as stated in its by-laws.

The procedures for refusing geared-to-income and special needs applicants are set out in Article 7 (Selection of Geared-to-Income and Special Needs Members).

6.2 Relation to Other By-laws

The policies and procedures stated in this Article are intended to work with the Co-op's existing by-laws; but some of them may be different from existing by-laws. If there is a conflict, this By-law governs. The procedures stated in this Article replace the procedures in the Co-op's other by-laws that deal with the decision listed in section 6.4 (Kinds of Decisions under Government Requirements).

6.3 Decisions by Co-op

Some of the decisions that are dealt with in this Article must always be made by the Co-op under Government Requirements. Other decisions are the responsibility of the Service Manager, but can be delegated to the Co-op. Some decisions are the responsibility of the Co-op, but can be delegated to another party such as a support services agency or the Service Manager.

The arrangement can be that the decision is made by the Co-op, but the internal review of that decision is made by the other party, or that both the decision and the internal review are made by the Co-op.

This Article only applies to decisions that are being made by the Co-op and internal reviews that are being done by the Co-op.

6.4 Kinds of Decisions under Government Requirements

The kinds of decisions that are referred to in section 6.7 (Opportunity to Comment) and sections 6.9 (Request for Internal Review) and 6.10 (Procedure for Internal Review) are:

- a decision that a household is not eligible for geared-to-income assistance
- a decision that a household is not eligible for special needs housing
- a decision about the type and size of unit for which a household is eligible, if the household pays or will pay a geared-to-income housing charge or is a special needs household
- a decision about which category within the internal waiting list or special needs waiting list the household will be included in
- a decision about the amount of a geared-to-income housing charge payable by a household
- a decision about a request for deferral of a geared-to-income housing charge payable by a household.

6.5 Making Decision

- (a) Under Government Requirements no one who took part in making a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements) can take part in the internal review of that decision. Therefore, directors cannot be involved in both making the decision and reviewing it.
- (b) When the Co-op is responsible for the internal reviews of any of the decisions mentioned in section 6.4, the original decisions will be made, in whole or in part, by:
 - the staff person
 - a director designated by the Board
 - a committee (not including directors)
 - a support services agency (if applicable) or
 - another party.

Who makes the decision may be different depending on the type of decision. The Board will decide who will make the decision. The Board will ask the decision-maker to sign a confidentiality agreement, if the confidentiality provisions of the Co-op's by-laws do not apply to them, unless they are bound by professional or other adequate confidentiality obligations.

- (c) When the Co-op is not responsible for doing internal reviews of the decision mentioned in section 6.4, then the Board may decide that directors can also be involved in these decisions or that the decisions will be made by the Board.

6.6 Meaning of "Household"

"Household" has a special meaning in this Article and other parts of this By-law when referring to a geared-to-income household or a special needs household. "Household" means all members and all non-member occupants of the unit, including:

- anyone who is a member of the household 16 years of age or older, and
- anyone whose income is considered in setting the amount of a geared-to-income housing charge, such as long-term guests.

This may include people who are not considered part of a household under other parts of the Co-op's by-laws, such as a casual guest whose income is considered in setting a geared-to-income housing charge under section 4.4 (Income of Guests).

6.7 Opportunity to Comment

- (a) Before the Co-op makes one of the decisions mentioned in section 6.4 (Kinds of Decisions under Government Requirements) that is negative to a household, it will give each member of the household the opportunity to comment on any information that the Co-op believes could be important in making the decision.
- (b) The Co-op does not have to give an opportunity to comment to a household about information received from a member of the household within **30 days** before the decision is made.
- (c) The Co-op will give each member of the household notice of their opportunity to comment. The notice must be given within the time and contain information stated in Government Requirement. The Co-op can use the attached **Form B, Notice of Opportunity to Comment**.

- (d) Members must give their comments to the Co-op in writing signed by them by the date stated in the notice.
- (e) Members can sign a waiver of their opportunity to comment. If all persons in the household do this, the decision could be made sooner. The household can use the attached **Form C**, Waiver of Opportunity to Comment.
- (f) The Co-op can make a decision that is different from what was stated in the Notice of Opportunity to Comment. If the Co-op does this, there will be no additional opportunity to comment.

6.8 Notice of Decision

- (a) Government Requirements have special rules for notices of decisions relating to geared-to-income households and special needs households. These are different depending on:
 - the kind of decisions
 - whether the household has a right to an internal review or does not have right to an internal review
 - whether the decision is that the household is eligible or not eligible.
- (b) Clauses (c) to (f) describe the use of these notices.
- (c) When giving notice of decisions about eligibility for geared-to-income assistance or special needs housing, the Co-op can use:
 - **Form D**, Notice of Geared-to-Income or Special Needs Decision with Right to Internal Review if the decision is that the household is not eligible
 - **Form E**, Notice of Final Geared-to-Income or Special needs Decision if the decision is that the household is eligible.
- (d) When giving notice of other decisions mentioned in section 6.4 (Kinds of Decisions under Government Requirement), the Co-op can use **Form D**.
- (e) When giving notice of decision about whether or not a household has been included on a special needs waiting list, and what category the household is listed in, the Co-op can use **Form E**.
- (f) If a decision is made that a household is eligible for geared-to-income assistance, both **Form D** and **Form E** have to be used.

Form E is given to state that the household is eligible. If applicable, it will also state that:

- a decision has been made that the household is eligible for special needs housing.
- a decision has been made that the household has or has not been included on a special needs waiting list and what category the household is listed in.

Form D is given about the type and size of unit for which the household is eligible. If applicable, it will also state that a decision has been made that the household is not eligible for special needs housing.

- (g) The Co-op will give each member of the household notice of these decisions if they are made by the Co-op. The notice must be given within **seven (7)** business days after the decision was made.

6.9 Request for Internal Review

- (a) If any member of a household disagrees with a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements), they have the right to an internal review of the decision. They must give a written request to the Co-op, if it made the decision.
- (b) The request must be received within **ten (10)** business days after the day the notice of the decision was received by the individual.
- (c) The Co-op can extend the time for giving a request for a review if the Co-op is satisfied that the member of the household acted in good faith and was unable to comply with clause (b) because of absence, accidents, illness or some other reason beyond their control.
- (d) An individual may withdraw their request for an internal review by giving written notice to the Co-op. The withdrawal is not effective if it is received after the review is completed

6.10 Procedure for Internal Review

- (a) If the Co-op is responsible for doing the internal review of a decision, the Board will conduct the internal review. The internal review must be completed within **ten (10)** business days after the request for the review is received.

- (b) Because of the time frames in Government Requirements, the Board cannot extend the time for doing the review of a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements).
- (c) Each member of the household that requested the internal review will be given **five (5)** days written notice of the Board meeting at which the internal review will be conducted. The Board can use the attached **Form F**, Notice of Board Meeting to Conduct Internal Review.
- (d) Members of the household involved can attend and speak at the Board meeting, or have a representative speak. The representative can be a lawyer or another person.
- (e) Directors, staff members and others who took part in making the decision cannot take part in the internal review of a decision mentioned in section 6.4 (Kinds of Decisions under Government Requirements). See clause (a) of section 6.5 (Making Decisions).
- (f) The Board can get help from someone with special knowledge, such as a representative of a support services agency (if applicable), their local federation or the manager of another Co-op.
- (g) That party can review the file before the meeting, but must give their advice to the Board at the meeting so that the household involved can hear it and make any comments on it. The Board will ask that party to sign a confidentiality agreement, if the confidentiality provisions of the Co-op's by-laws do not apply to them, unless they are bound by professional or other adequate confidentiality obligations.
- (h) In the case of medical or similar evidence, the Board can rely on a letter from a doctor or other professional, but it must give a copy of the letter to the household with the notice of the meeting or within two (2) business days of receiving it, if is received after the notice of the meeting was sent.
- (i) The Board can make any decision that could have been made originally. This decision could be more favourable to the household, or less favourable.
- (j) The Board must give written notice of its decision to the individuals who requested the internal review within **five (5)** business days after the Board meeting. The Board can use the attached **Form G**, Notice of Decision after Internal Review.

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- (k) The Board can delegate responsibility for all internal reviews, or specific kinds of internal reviews, or a specific internal review to a committee made up of directors. The committee will perform the duties of the Board under this section and all rights and responsibilities of the Board will be exercised by the committee. The decision of the committee will be considered the decision on the internal review and cannot be appealed to the Board.

6.11 Role of Board Members

In making decisions under this By-law individual directors must be very careful to avoid any bias or conflict of interest. Directors must observe all rules relating to this in the Co-op by-laws and the *Co-operative Corporations Act* and Government Requirements.

6.12 No Appeal to Members

Decisions of the Board under this By-law cannot be appealed to the members.

6.13 Confidentiality Agreement

When the Board decides to ask someone to sign a confidentiality agreement under this Bylaw, it can use the attached **Form H**, Confidentiality Agreement.

6.14 Giving Notices

When the Co-op gives notices about things dealt with in this By-law, it must follow this procedure:

- (a) A notice will be given to all members of the household who are 16 years old or older.
- (b) A notice to more than one member of the same household may be by a single notice. It must be addressed to all the members of the household. It can be given to any member of the household, as stated in clause (c). If the Co-op knows about more than one address at which members of the household live, a single notice must be given at each known address.
- (c) A notice may be given to a person in any of the following ways:
 - by giving the notice directly to the person. It is considered to be given and received on that day.

- by leaving the notice at the last known address of the person, either in a place that appears to be for incoming mail or with an individual who appears to be 16 years old or older. It is considered to be given on that day and received on the next business day.
 - by mailing the notice to the person to the last known address of the person. It is considered to be given on that day and received on the fifth business day after it is mailed.
- (d) The notice provisions stated above are based on Government Requirements. If Government Requirements change, the Co-op will use any new Government Requirements.
- (e) Notices can be signed for the Co-op by a staff person or any director. The person signing a notice is authorized to fill in all the blanks.
- (f) A person who signs a notice about an opportunity to comment or a decision cannot be involved in the internal review of that decision.

6.15 Business Days

When this By-law refers to "business days" it means days from Monday to Friday, other than public holidays.

6.16 Things Not Stated in By-laws

The Board will decide anything relating to the procedures for decisions dealt with in this Article that are not stated in this By-law or in the Co-op's other by-laws or in Government Requirements.

7. Selection of Geared-to-Income and Special Needs Members

7.1 Purpose of Article 7

The Regulations contain rules and procedures about rejecting applications for membership from applicants who will pay a geared-to-income housing charge or occupy special needs units. This Article applies to them. It does not apply to applications for market units that are not special needs units.

7.2 Relation to Other By-laws

The policies and procedures stated in this Article are intended to work with the Co-op's existing by-laws, but some of them may be different from existing by-laws. If there is a conflict, this By-law governs.

Rights to information, internal review and other things dealt with in this Article will replace information, appeal and similar rights in the Co-op's other by-laws for applicants who will pay a geared-to-income housing charge or occupy special needs units.

7.3 Making Decisions

- (a) The Board will decide who will make the original decision to recommend or refuse an applicant for housing. It could be made by a committee or Co-op staff person.
- (b) If the committee or staff person decides that it is appropriate to refuse an applicant, they will do so. No director will be involved in the interview of the applicant or the member selection committee decision. The refusal will not be referred to the Board or discussed with directors until after the time to request an internal review is passed or until an internal review is done.
- (c) If the committee or staff person decides that it is appropriate to accept an applications, or if they cannot make a decision, they will take the application to the Board. The recommendation will not be discussed with directors except at a Board meeting. Written materials can be distributed to directors in advance of the Board meeting.
- (d) The Board can decide to accept or reject the application.
- (e) If an internal review is requested, it will be conducted by the Board.
- (f) Staff and others who participated in making the first decision cannot participate in the internal review. This does not include a director whose only involvement in the first decision was as a director at a Board meeting to consider approving the applicant or reviewing material distributed in advance of the Board meeting.
- (g) Procedures related to the initial consideration of an application by a committee or staff will be as set out in the Co-op's other by-laws. If they do not set out a procedure, or it is inappropriate, the Board will decide on the procedures.

7.4 Refusal of Geared-to-Income and Special Needs Applicants

The Co-op may refuse to offer a unit to a household applying for special needs housing or geared-to-income assistance only for the following reasons (or any other reasons that may be stated in Government Requirements in the future):

- (a) selection of the household would be contrary to the Co-op's mandate
- (b) the Co-op has reasonable grounds to believe, based on the household's rental history, that the household may fail to fulfill the obligation to pay housing charges for the unit in the amount and at the times they are due
- (c) members of the household did not agree to accept their responsibilities as members of the Co-op, or the Co-op has reasonable grounds to believe that members of the household will not accept or will be unable to accept those responsibilities.
- (d) the unit is one in which individuals will reside in a shared living situation and the Co-op has reasonable grounds to believe that it is unreasonable for the household to reside in the shared accommodation
- (e) the Co-op has reasonable grounds to believe that the unit is not suitable for the household due to the physical characteristics of the unit in relation to the number, gender and ages of the members of the household
- (f) the unit is special needs housing and the level of service required by the household is significantly greater or significantly less than the level of service provided in the unit
- (g) the unit is special needs housing and the household is not eligible for special needs housing.

7.5 Notice of Refusal

If an application is refused, the Co-op will give each member of the household notice of refusal. The notice must be given not more than **10 days** after the decision is made. The Co-op can use the attached Form I, Notice of Refusal of Membership Application for Geared-to-Income or Special Needs Household.

7.6 Request for Internal Review

- (a) If any member of a household disagrees with the refusal of their application, they have the right to an internal review of the decision. They must give a written request to the Co-op.
- (b) The request must be given to the Co-op within **10 business days** after the day the notice of the decision was given to the household.

- (c) An individual may withdraw a request for internal review by giving written notice to the Co-op. The withdrawal is not effective if it is received after the review is completed.

7.7 Procedure for Internal Review

- (a) The Board will conduct the internal review. The internal review must be completed within **10 business days** after the request for the review is received.
- (b) Because of the time frames in Government Requirements, the Board cannot extend any time limits under this section.
- (c) Each member of the household that requested the internal review will be given **five days** written notice of the board meeting at which the internal review will be conducted. The Board can use the attached Form J, Notice of Board Meeting to Conduct Internal Review of Membership Decision.
- (d) Members of the household involved can attend and speak at the Board meeting, or have a representative speak. The representative can be a lawyer or another person.
- (e) The Board can get assistance from someone with special knowledge, such as a representative of a support services agency (if applicable), their local federation or the manager of another co-op.
- (f) That party can review the file before the meeting, but must give their advise to the Board at the meeting so that the household involved can hear it and make any comments on it. The Board will ask that party to sign a confidentiality agreement, if the confidentiality provisions of the Co-op's by-laws do not apply to them, unless they are bound by professional or other adequate confidentiality obligations.
- (g) In the case of medical or similar evidence, the Board can rely on a letter from a doctor or other professional, but it must give a copy of the letter to the household with the notice of the meeting. If the letter is received after the notice of the meeting was sent, a copy must be given to the household within two business days of receiving it.
- (h) The Board can make any decision that could have been made originally. This decision could be more favourable to the household, or less favourable.

- (i) The Board must give written notice of its decision to the individuals who requested the internal review within five business days after the board meeting. The board can use Form K, Notice of Results of Internal Review.

7.8 No Liability

Anything in the Co-op's by-laws, or any commitment made by anyone that is not authorized by the Board, will not create liability for the Co-op. The Co-op will not be liable to anyone for:

- any error, omission, or mistake concerning an application for membership or occupancy or external waiting lists
- the allocation of units or geared-to-income assistance
- the failure to allocate units or geared-to-income assistance

7.9 Things Not Stated in By-laws

The Board will decide anything relating to selection of geared-to-income and special needs members that are not stated in this By-law or in the Co-op's other by-laws or in Government Requirement.

CERTIFIED to be a true copy of By-law No. 9 of Mariposa Co-operative Homes Inc., passed by the Board of Directors at a meeting held on December 2, 2002 and confirmed by a two-thirds vote at a meeting of members on March 24, 2003.

Gail Santa c/s
Secretary

