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Briefing Note: For Information

To: Board of Directors (the “Board”)

From: Tenant Services Committee (“TSC”)

Date: December 1, 2022

Re: TCHC Internal Tenant Transfer Program

PURPOSE

The purpose of this briefing note is to provide the Board of Directors with background and data regarding the internal Transfer Program, including the Crisis Transfer category, and to further provide the Committee with information as it relates to TCHC’s review of its internal transfer policies and procedures in 2023.

BACKGROUND

In January of 2018, Ombudsman Toronto published a report regarding Toronto Community Housing Corporation's Medical and Safety at Risk Priority transfer process for tenants. The report included twenty-one recommendations to improve the transparency, fairness and effectiveness of TCHC’s internal transfer process.

The Ombudsman’s first recommendation was to create a new priority category for TCHC called Crisis, which would rank below the Special Priority Program (“SPP”) category, but above the Over-housed category.

The Crisis Priority category was intended to address the needs of tenants whose units were causing or contributing to a direct, immediate, elevated and acute risk to their health or safety that would be addressed if they moved to a different TCHC unit. The Ombudsman’s recommendation was intended to address the urgent needs of tenants whose safety was at risk and who were not able to move quickly within the previous transfer

processes. The program was designed with strict eligibility criteria to allow TCHC to ensure prompt moves within the portfolio and to limit waitlists.

The Ombudsman also recommended that once the Crisis Priority was in operation, TCHC should make no transfers outside the internal transfer process. Any exceptions should be approved by the CEO and documented under exceptional circumstances.

The recommendations of the Ombudsman were accepted by TCHC, and a new Tenant Transfer Policy and Rules of Procedure were developed by a multi-divisional team based on consultations with tenants, the City and community partners, to build substantive rigour around the program while more efficiently managing transfer waitlists. The new transfer process came into effect July 1, 2018.

Based on the Ombudsman's recommendations and Service Manager consultation, the program was designed and implemented as an arm's length delivery from local operations as to ensure that decisions granted under the program were free from influence and to further ensure consistency and fairness to the application of rules and procedures.

TENANT TRANSFER POLICY AND PROCEDURES OVERVIEW

Under the Transfer Policy, offers are made to households in order of defined priorities, and then in chronological order of approval within each respective category. The priority order of transfer requests are as follows:

- 1) Special Priority Policy ("SPP")
- 2) Crisis Priority
- 3) Accessibility/Accommodation
- 4) Over-housed
- 5) Under-housed

Special Priority Program ("SPP"): This category is mandated by the *Housing Services Act*, 2011, SO 2011, c 6 for survivors of domestic abuse or human trafficking. The household must apply directly to Access to Housing (managed by The City of Toronto), who will then review the application and determine eligibility for the program.

Crisis Priority: Where a household is facing direct, immediate, elevated and acute risks to their health and/or safety that would be addressed if they

moved to a different TCHC unit. The risks and the necessity for transfer must be confirmed by a law enforcement agency such as Toronto Police Service. The Crisis Priority categories are:

- **Crisis 1: Intimidated Victim:** The tenant or authorized household member is the victim of persistent intimidation or threats of violence that put their life at risk should they continue to live in their current environment.
- **Crisis 2: Intimidated Witness:** The tenant or authorized household member is cooperating with Toronto Police Services or another law enforcement agency where, as a result of their cooperation, law enforcement anticipates they will suffer threat of physical injury.
- **Crisis 3: Traumatic Incident:** The tenant or authorized household member was a victim of a traumatic incident on the residential complex, a victim or witness of a traumatic event in their unit, or a witness of another household member suffering a traumatic incident on the residential complex.

Accessibility/Accommodation Transfer: Requests are made on the basis of an Ontario *Human Rights Code* grounds when a need has been identified where the authorized household member cannot reasonably be accommodated in their current unit and can be reasonably accommodated in another available TCHC unit.

Requests for Additional Bedrooms: An Intake Specialist or Accessibility Coordinator determines a household's qualification for an additional bedroom based on an accessibility or accommodation need (e.g. to accommodate large medical equipment, a 24-hour caregiver, etc.). Where the request is related to, or combined with, a request for large-scale modifications to the built environment, the Accessibility Coordinator may determine qualification for an additional bedroom. Otherwise, the Intake Specialist determines qualification.

The larger Internal transfer program, including Crisis, is delivered by six Intake Specialist who are responsible for the end-to-end interaction with the household, and are supported by one Special Initiatives Clerk who is responsible for the identification and alignment of a household to vacancies and supporting other administrative tasks.

Under-housed Transfer: A household that is living in a unit that is too small by two or more bedrooms based on the City of Toronto's social

housing Occupancy Standards. This program, including qualifying criteria, is currently under review.

UNIT OFFER PROCESS FOR CRISIS PRIORITY TRANSFERS

The Rules of Procedure for unit offers were set up to facilitate a rapid relocation for the household at risk. If a household is approved, the Crisis Program staff identifies up to three suitable¹ transfer locations from the current vacancy list, and offers the available unit or units to the household. The offer or offers are made at the same time. If the household refuses the offer(s), the file is closed.

Given the program's purpose to relocate tenants at imminent risk, the program is not mandated to maintain a waitlist based on applicant location or other preferences, or to facilitate multiple offers and refusals over time.

TENANT TRANSFER PROGRAM STATISTICS

The Transfer Program reports on three types of transfer requests: Accommodation, Additional Bedroom, and Crisis Priority.

Table 1: Number of New Requests Received by Type of Transfer, 2019-2022 YTD

Transfer Type	2019	2020	2021	2022 YTD
Accommodation	612	589	603	523
Additional Bedroom	97	122	156	75
Crisis Priority	1,080	960	1160	827
Total Requests Received	1,789	1,671	1,919	1425

¹ Suitable offers will be made based on the identified restrictions in the household's specific situation and the number of immediately available units that meet their needs at that time.

Table 2: Total Number of Approved Transfers by Category, 2019-2022 YTD

Category	2019	2020	2021	2022 YTD
Accommodation	619	589	603	364
Crisis	1,080	960	1160	622
Additional bedroom	97	122	156	71
TOTAL	1796	1671	1919	1057
Total approval Number	371	401	405	257
Total approvals under Crisis category	187	115	188	119

Table 3: Application Status, All Transfer Types, 2019-2022 YTD

Application Status	2019		2020		2021		2022 YTD	
	#	%	#	%	#	%	#	%
Decision Made	1484	73%	1302	76%	1452	80%	1457	82%
Referral	95	5%	60	4%	59	3%	42	2%
Withdrawn/ Abandoned	432	21%	335	20%	303	17%	284	16%
On Hold	10	0%	5	0%	4	0%	2	0%
Total Files Processed	2021	100%	1702	100%	1818	100%	1785	100%

Table 4: Crisis Priority Transfer Applications Status, 2019-2022 YTD

Crisis Application Status	2019		2020		2021		2022 YTD	
	#	%	#	%	#	%	#	%
Total Crisis Applications Received	1080	92%	960	99%	1160	98%	862	82%
Approval	189	19%	203	22%	230	21%	152	21%
Denied	525	53%	445	47%	623	55%	357	48%
Referral	16	2%	21	2%	18	1%	3	0%
Withdrawn/ Abandoned	261	26%	275	29%	265	23%	231	31%
On Hold	7	0%	2	0%	3	0%	1	0%

Crisis Application Status	2019		2020		2021		2022 YTD	
	#	%	#	%	#	%	#	%
Total Files Processed	998	100%	946	100%	1139	100%	744	100%

Note: The variance between the numbers in Table 1 and Table 2 demonstrates the impact of cases where the processing of applications carries from one calendar year into the next. Table 1 demonstrates the physical files received in a calendar year, while Table 2 demonstrates the number of files processed in the calendar year.

All transfer applications are processed and tracked. Around 20% of applications are withdrawn by applicants or abandoned (e.g. applicant does not respond to the Intake Specialist's contacts, or does not provide the required documentation).

The criteria for the Crisis, Accommodation/Accessibility and Additional Bedroom transfer categories are very specific, both in terms of eligibility and documentation requirements. The majority of applications received do not initially meet the criteria of the program and require extensive follow-up from staff to provide alternative solutions. To date, we have an approximately 30% approval rate for Crisis Transfer requests. In cases where a Crisis Transfer request is denied, we continue to identify household support needs through the complex tenancies and regional Community Services Coordinators ("CSC"), and facilitate linkages where possible. This can include access to services and supports through the City's SPIDER and FOCUS situational tables.

A large number of applications are outside the scope of the program, however there are other options to address the issues, such as:

- Follow-up by the regional office;
- Referrals to agencies and partners; and
- Redirection to Access to Housing.

Once approved, households receive an offer of up to three units from the current vacancy list. Around one-third of households refuse the unit or units offered, and do not transfer.

Table 5: Transfer Offer Summary, All Transfer Types, 2019-2022 YTD

Offer Summary	2019	2020	2021	2022 YTD
# of approved households accepted new units (file closed)	234	237	225	134
# of approved households refused new units (file closed)	68	127	132	136
total # of approved households receiving offers	302	364	357	270

In order to effectively support tenants in the management of their crisis, it is vitally important to process transfer requests in a fair and timely manner. As TCHC becomes increasingly responsive at managing vacancy rates and the timely relocation of tenants, the reduced inventory of available units diminishes viable options for transfer applicants. Additionally, there is a limited supply of large size units (4 bedrooms +), with notably low turnover rates that create added strain on the program.

CEO EXCEPTION TO THE PROCESS FOR CRISIS PRIORITY

The Tenant Transfer Policy and Procedures prohibit ad hoc moves outside of the policy and procedures, without the expressed written consent of the CEO.

Under the Rules of Procedure, an Intake Specialist may initiate a CEO exception request if the Intake Specialist encounters an application where the unit is causing or contributing to a direct, immediate, acute and elevated risk to an authorized household member's health and/or safety that can only be alleviated by moving them to a different unit AND the application does not qualify for approval as either Crisis 1, 2, or 3 under the definition of a Crisis Priority transfer.

The Intake Specialist may become aware of the situation either as a result of processing the application or through an escalation.

If the Intake Specialist believes the file may qualify for an exception, they can review their recommendation with their Manager. If the Manager supports the recommendation, the Intake Specialist authors a summary report, in consultation with Legal Services, which outlines the factors supporting the exception.

The file and summary report are forwarded to the CEO for approval as an exception.

The CEO reviews the report and responds to the Intake Specialist/Manager with approval/denial. If the application is approved, the Intake Specialist communicates the decision to the tenant, including information regarding relocation steps.

The summary of factors and the record of the CEO approval are retained in the tenant's transfer file.

CEO Exceptions Submitted Over the Past Five Years

Transfer Program staff recommended two documented CEO exception requests during the first few years of the new policy and procedures.

From June 2021 to November 2022, 12 recommendations for CEO exceptions were made and approved as a result of escalations. Operations is currently undertaking a review to better understand whether the program is meeting its stated purpose and if any changes could be made to streamline the process.

PROCEDURAL REVIEW PROCESS

Tenants may request a Procedural Review of an Intake Specialist's decision. The Procedural Review process is outlined in the Rules of Procedure.

An Intake Specialist who was not involved in the original decision performs a review to determine whether there was any breach of procedural fairness. This review considers only matters of procedural fairness; it does not consider the substance of the decision (e.g. whether the reviewer might have decided differently). If no breach of procedural fairness is found, the Intake Specialist denies the review and informs the tenant of the decision.

If the reviewer determines there may be a breach of procedural fairness, the review conducts a new evaluation of the file, as if it was a new application, makes a decision and informs the tenant.

Table 6: Procedural Review Requests Received, 2019-2022 YTD

	2019	2020	2021	2022 YTD
Total # of Requests for Procedural Review	153	82	98	51

2023 TRANSFER PROGRAM REVIEW PLAN

Operations committed to reviewing the Crisis Transfer Program in 2021-22, with the support of Legal and Regional Operations, and including engagement with tenants, the Centre for Advancing the Interests of Black People (“the Centre”), the City of Toronto, and other external stakeholders. Areas of focus in the project team’s review include:

- Tenant engagement processes and materials;
- Staff and tenant education regarding the policy and procedures;
- Alignment and diversity of vacancies to the program;
- Vacancy matching;
- Review of approval criteria by category;
- Documentation standards and requirements;
- Procedural Review processes; and
- Enhanced tenant support models that will support tenancy stabilization.

Over the last 12 months, management has completed consultations with Crisis Program staff, and the work to scope and plan the review has commenced. This will frame how the review will be initiated and completed in 2023.

EMERGING ISSUES AND CHALLENGES

TCHC’s Legal department and Toronto Police Service (“TPS”) legal services have been working together to develop a new information-sharing process, which requires the Intake Specialists to obtain information through a TPS Freedom of Information (“FOI”) process. Staff from the TCHC Crisis-Priority Transfer team can no longer reach out to TPS officers to obtain direct information. As such, an interim procedure has been developed to outline some of the changes, and how to process applications. The interim procedures have been reviewed by Legal, and are awaiting ELT review and final approval.

Discussion has taken place with TCHC's Community Safety Unit ("CSU"). Staff are looking to develop a new process to retrieve information from CORA reports and utilize TCHC's internal intelligence department, as well as the resources from the CSU.

In consultation with Ombudsman Toronto, there have been some changes made to the Transfer Request Form to address the concerns the Ombudsman's office had raised. The form has been reviewed by Legal, and is awaiting ELT review and approval.

IMPLICATIONS AND RISKS AND DEPENDENCIES

As of July 1, 2018, TCHC received approval and authorization from the City, consistent with the Ombudsman's recommendation, to rank Crisis Priority Transfer requests below the Special Priority Program ("SPP") priority and above the Service Manager's prescribed internal transfer priority of Over-housed. Additionally Toronto Community Housing is obligated to meet requirements set out in the Ontario *Human Rights Code* related to our "Duty to Accommodate" Tenants.

SIGNATURE:

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