

Referral Agreement Policy

Policy Owner: Tenancy Resolutions Office

Approval: Board of Directors

First Approved: September 25, 2020

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1 Policy Statement

Referral Agreements are a tool whereby Toronto Community Housing Corporation (TCHC) provides the clients of a support Agency with priority access to a limited number of TCHC units. Under the Referral Agreement, the Agency agrees to provide ongoing services to those tenants as needed to establish and maintain successful tenancies at TCHC.

Agencies under Referral Agreements provide valuable on-site services that assist TCHC in maintaining tenancies and allow tenants to be supported and live as independently as possible. This partnership allows TCHC to meet community needs, provides the Agency with stable housing for their clients, and ensures that these services are provided throughout the client's tenancy at TCHC.

This policy provides a framework for establishing, managing and evaluating Referral Agreements to maximise their potential benefit.

The purpose of this document is to ensure:

- Referral Agreements align with TCHC policies and applicable legislation;
- Referral Agreement opportunities are coordinated and assessed fairly and comprehensively;
- Referral Agreements are regularly reviewed and evaluated against community and tenant changing needs, and managed effectively; and
- Guidelines are established for filling vacancies with Agency-referred applicants who meet the basic eligibility requirements for RGI assistance.

2 Scope

This policy applies to:

- Agencies;
- Service providers under contract with TCHC to provide property management services;
- TCHC employees; and
- Tenants.

This policy does not apply to:

- Agreements where TCHC leases a unit or units directly to an agency and the Agency is the landlord for the tenants in those units.

3 Values

In keeping with our values of respect, accountability, community collaboration, integrity and accessibility, TCHC will implement this policy in accordance with the following principles:

- **Tenant Focused:** In negotiating agreements with our agencies to provide services and supports in residential space, TCHC must put tenants' needs at the forefront.
- **Collaborative and Proactive:** TCHC will work with agencies to mutually assess our shared values, in order to have sustainable and successful agreements. Tenants, TCHC staff, Agencies and the Service Manager, should be notified in advance of changes that affect them.
- **Accountable and Solution-driven:** TCHC will develop evaluation criteria that ensures that outcomes of Referral Agreements are timely, meaningful, measureable and attainable. Referral agreements will regularly be evaluated against the evaluation criteria. Agencies should play a vital role in identifying and adapting service delivery to meet community and tenant changing needs.
- **Fair:** Procedures and expectations are clearly defined through written agreements. Guidelines should be clear, equitable and inclusive.

4 Definitions

Agency: An incorporated not-for-profit organization, a charity registered with the Canada Revenue Agency, a healthcare service provider as defined by the *Regulated Health Professions Act* or a City of Toronto department or subsidiary that provides supports to tenants.

Community: In this policy, a community is a single building or a specified grouping of TCHC buildings located in a specific area.

Referral Agreement: An agreement between TCHC and an Agency to fill RGI units with clients receiving services from a particular Agency. The Agency has a set number of units and these units have a set building address written into the agreement. TCHC leases one of these units directly to the tenant. The Agency must have an individual agreement with the tenant to provide ongoing services (TCHC is not a party to that agreement).

Service Manager: The service manager is responsible for the municipal level of administration for social housing, as per the *Housing Services Act, 2011* (HSA). In Toronto, the City of Toronto (Shelter, Support and Housing Administration Division) is the Service Manager under the HSA.

Successful Tenancies: In this policy, successful tenancies are tenancies where (1) TCHC meets its obligations as a landlord to provide clean, safe buildings; (2) tenants are supported so that they meet lease obligations and thrive in their communities; and (3) TCHC uses fair, consistent and accountable processes when tenants do not meet their lease obligations and when evictions or other legal processes need to be pursued.

5 Policy details

5.1 Conditions required for Referral Agreements

A Referral Agreement is intended to last the duration of the tenancies that are established through the agreement. A decision to proceed with a Referral Agreement should be made with the expectation that TCHC will be establishing the Agency as a long-lasting and vital part of the community.

When considering if a community would benefit from a Referral Agreement, TCHC should assess the needs of the community, along with TCHC's mandate and strategic plan, through input of on-site staff, tenant identified priorities,

service quality indicators and the community profile. TCHC should determine whether:

- The needs of the community can be supported through a Referral Agreement, and
- The community has the existing infrastructure to sustain the specific service and the tenancies administered through an agreement.

Overall, Referral Agreements must possess the following core criteria:

- Comply with TCHC policies and applicable legislation, including the HSA and *Residential Tenancies Act, 2006* (RTA).
- Ensure that the use of TCHC property under the agreement will not trigger a change of the zoning or classification of the building, including through the creation of a care occupancy as described in the *Ontario Fire Code* and *Ontario Building Code*.
- Align with TCHC's strategic direction and core values; and
- Contribute to a positive tenant and TCHC staff experience.

5.2 Identifying and approving Referral Agreement opportunities

Maintaining a fair and equitable process in selecting agencies is important to ensuring tenants are provided with the best supports available.

When TCHC determines that a Referral Agreement is appropriate for a community in accordance with section 5.1 above, TCHC will develop key requirements and criteria for the Referral Agreement based on the assessment of community needs and communicate the opportunity to agencies. Agencies must express their interest in entering into the Referral Agreement in a written letter to TCHC and include a scope of work, an operational plan, insurance and funding statements.

TCHC should consider whether the Agencies would be best able to meet community needs and provide the greatest benefit to tenants. Agencies must be prepared to provide ongoing long-term supports to all clients housed through a Referral Agreement and demonstrate their capacity to adapt services as needs change. Preferences when considering agencies for Referral Agreements include:

- Agencies that support households that need support services to maintain successful tenancies, have contracts for ongoing services with their clients, and are able to fill vacancies within a 30-day time frame.
- Agencies with the funding, resources, partnerships, and capability to meet the needs of the community.
- Agencies that will provide added value for both TCHC and tenants. This may include a minimum number of hours a week of additional services provided to non-referred tenants.
- Agencies that have partnered on other projects and have remained in good standing with TCHC.

When approving an Agency's expression of interest, TCHC should assess whether the Agency is able to demonstrate:

- That they can meet the criteria for the Referral Agreement, provide the required services and can maintain a reasonable staff-client ratio.
- That they meet the insurance requirements to operate in our buildings.
- That if they require space in a TCHC building to operate, they can obtain a commercial lease or execute a non-residential use of space agreement with TCHC.
- That they have the necessary policies and processes to:
 - provide adequate support, including in-home support services, for their clients as well as assistance, as possible, to clients facing tenancy issues including arrears, unit condition issues, and eviction;
 - track outcomes and keep TCHC property in good repair (including keys, FOBs, and fire safety equipment) and return any property provided by TCHC to TCHC when requested or when agreed upon; and
 - ensure that their staff are qualified to work with vulnerable persons.

Agencies may be required to sign an overarching agreement that sets out the parameters of the service relationship between TCHC and the Agency, before entering into a specific Referral Agreement.

5.3 Developing Referral Agreements

All proposed Referral Agreements, or amendments to Referral Agreements, must be provided to the Service Manager for approval.

All Referral Agreements must be in writing and be arranged for a specified term and must include:

- the number of units at specific locations that the Agency will be responsible for filling. New agreements should ensure that units are clustered near Agency offices and/or program delivery spaces;
- the eligibility criteria the Agency will use for filling vacancies. This criteria must include that the client is on the centralized waiting list, eligible for RGI and requires support to maintain a successful tenancy;
- a detailed description of the specific services the Agency will provide and the frequency of these services;
- a data sharing clause that allows data sharing between TCHC, the Agency, and the Agency's funder, as appropriate;
- performance measures and a reporting regime, including frequency of reporting; and
- specific provisions for terminating the agreement that minimise potential adverse consequences for TCHC and tenants.

Agencies or TCHC staff can provide a change request to TCHC to update a Referral Agreement terms and clauses, including locations and services. If a change request is not approved, TCHC must inform the potential Agency by letter stating why the request was not approved.

5.4 Managing vacancies under Referral Agreements

Once a Referral Agreement has been signed, and TCHC has provided the Agency with a unit to fill, the Agency must fill the vacancy within the time required by the Referral Agreement. If the unit remains unfilled after this time,

TCHC may decrease the Agency's number of units by one. TCHC must inform the Agency of any decision to remove the unit from the agreement.

Before filling a unit with a client, the Agency must demonstrate to TCHC that:

- the client meets the eligibility criteria;
- the unit meets the needs of the client, as per the *Accessibility for Ontarians with Disabilities Act* and other applicable legislation;
- the client has completed an emergency self-identification form and a consent form, in a format provided by TCHC; and
- they have provided an updated list of units they serve to TCHC.

It is the responsibility of the Agency to comply with the Human Rights Code in its selection of and referral of clients to TCHC.

Once the unit is filled, TCHC must inform the Service Manager of the Referral Agreement through which the tenant was housed, and indicate the specific unit occupied. TCHC must specify in the housing management system which Agency's Referral Agreement the tenant was housed through.

5.5 Responsibilities under Referral Agreements

To ensure that tenancies under Referral Agreements are successful, Agencies and TCHC will work collaboratively and actively participate in activities that will enhance the communication and working relationships between TCHC and the Agency.

Under a Referral Agreement, the Agency will:

- Identify clients as capable of living independently in the community with the assistance and support of the Agency;
- inform TCHC of any changes in their policies or funding that will affect the level of services provided to tenants under their Referral Agreement;
- inform TCHC of issues that might affect the tenant's tenancy with TCHC, with consent of the tenant;
- not complete any alterations or renovations to TCHC property;
- attend tenancy meetings with TCHC for the designated units (including the lease signing), when requested;

- work cooperatively with TCHC and TCHC partner agencies to support tenants and assist with tenancy matters, including regular participating in integrated team meetings; and
- inform TCHC within 60 days when the tenant has decided to no longer accept support from the Agency. TCHC may provide the Agency with a new unit to fill, conditional on availability and the terms of the Referral Agreement.

Under a Referral Agreement, TCHC will:

- provide a TCHC contact person and an orientation meeting to the community upon signing a new referral agreement;
- share information regarding the agreements internally, including providing on-site staff in the community with the Agency's scope of services;
- inform the Agency of issues that might affect the tenant's tenancy with TCHC, with consent of the tenant; and
- fulfill the responsibilities of a landlord, as per the RTA, *the Accessibility for Ontarians with Disabilities Act* and other applicable legislation.

Tenants that are referred through a referral agreement must sign a tenancy agreement with TCHC and abide by the terms of that agreement.

6 Compliance and Monitoring

6.1 Monitoring and evaluating Referral Agreements

To ensure Agencies are providing adequate services to tenants, all agreements must be assessed regularly to ensure that the agreement continues to meet the needs of the community. Agencies are required to report to TCHC regularly through requirements in their agreements.

TCHC will also regularly evaluate ongoing activities conducted under Referral Agreements. Evaluation criteria will include tenancy management outcomes, substantiated complaints, the ability of the Agency to meet defined service levels and client retention.

TCHC understands that some clients may, over time, no longer need Agency supports. However, if there is a pattern of client discharge or withdrawal from

services, TCHC may consider the Agency non-compliant with their agreement. It is the responsibility of the Agency to screen their clients before referring them to TCHC to determine whether they require long-term supports and whether they are able to maintain a successful client-provider relationship during the life of the tenancy.

Following an evaluation, TCHC must inform the Agency of any non-compliance and inform the Agency that non-compliance can result in the termination of their agreement.

The evaluations and Agency reports will be used to determine if the relationship between TCHC and the Agency is continuing or being discontinued.

6.2 Terminating a Referral Agreement

A Referral Agreement may be terminated at the end of the specified term, in the event that the Agency has dissolved, or in the event there was a failure to abide by the terms of the agreement.

Before terminating an agreement, TCHC will take all possible steps to reduce any adverse effects to TCHC and tenants, including determining alternative arrangements for tenants that were provided service by the Agency and provide notice and a request for comments to the Service Manager.

Upon termination, TCHC must retrieve all keys or FOBs, and revoke any access that was provided through the agreement.

6.3 Record keeping

TCHC must retain a copy of the executed agreement for seven years after the agreement is terminated and the Agency is no longer providing services. TCHC must also keep an ongoing record of all units filled by the Agency. TCHC must provide these records to the Service Manager, upon request.

All evaluations must be documented and filed in TCHC's record system for reference when considering future involvement with the same Agency or similar agreements.

7 Governing and Applicable Legislation

Includes, but is not limited to:

- *Housing Services Act, 2011*, S.O. 2011; and

- *Residential Tenancies Act, 2006*, SO 2006, c 17

8 Related Policies and Procedures

- Collaboration Framework
- Human Rights, Harassment and Fair Access Policy
- Use of Space Policy
- The TCHC Tenant Charter

9 Commencement and Review

Revision	Date	Description of changes	Approval
First Approval	September 25, 2020	New	Board of Directors

10 Next Scheduled Review Date: April 2023