

Subject: Victims of Human Trafficking (VOHT)

Date: April 1, 2018

Replaces: N/A

Applicable to The policy and procedures contained in this document apply to the following:

- Co-operatives
 Federal Non-Profit
 Municipal & Private Non-Profit
 Peel Access to Housing (PATH)
 Rent Supplement*
 *incl. former OCHAP/CSHP

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Policy Application The application of this policy and consideration for inclusion in the special priority household category as a victim of human trafficking is effective April 1, 2018.

Purpose This document addresses the administration of applicants seeking inclusion in the special priority household category for priority placement on the centralized wait list (CWL) for rent-geared-to-income (RGI) assistance housing, special needs housing, and/or internal transfers.

Specifically, this document refers to the request for inclusion in the special priority household category where a member of the household is being or has been trafficked.

Note: For applicants seeking inclusion in the special priority household category as victims of family violence, refer to the [Victims of Family Violence \(VOFV\)](#) HIP policy. Applicants can only apply for one of the special priority household categories at a time.

Legislation [Housing Services Act \(HSA\), 2011, S.O. 2011, c. 6, Sched. 1](#)
[Ontario Regulation \(O. Reg.\) 367/11: General](#)
[Human Rights Code, R.S.O. 1990, c. H. 19](#)

Policy Overview The special priority household category outlined in O. Reg. 367/11 of the HSA, 2011 has been expanded to include victims of human trafficking (VOHT).

The special priority household category is the only mandated priority status for entry into social housing. Approved special priority applicants are housed first and before any other priority status established by the service manager. O. Reg. 367/11, s. 47 (6).

O. Reg 367/11, s. 52 to 58.1 prescribes how the service manager will address applications for priority status from members of the households who have been victims of human trafficking.

Definitions O. Reg. 367/11, s. 1 (1) defines abuse, which now includes the trafficking of a member of the household done by any individual.

Trafficking means one or more incidents of recruitment, transportation, transfer, harbouring or receipt of the member by improper means, including force, abduction, fraud, coercion, deception and provision of a controlled substance, for an illegal purpose, including sexual exploitation or forced labour.

Eligibility

All eligibility determinations for RGI housing are made in compliance with the HSA and its corresponding regulations.

To be eligible for consideration under the special priority household category as a VOHT, all applicants for RGI units in buildings affected by the HSA are required to meet the standard RGI determinations including, but not limited to the basic eligibility criteria (O. Reg. 367/11 s. 24(1)(2)).

Once RGI eligibility has been determined, a household is eligible to be included in the special priority household category if a member of the household is being or has been trafficked (O. Reg. 367/11 s. 54.1(1)).

Three Month Application Rule

When the trafficked member of the household is no longer being trafficked, a written application for inclusion in the special priority household category should normally be made within three months after the trafficking stopped (O. Reg. 367/11 s. 54.1(2)).

Furthermore, the last incident of “being trafficked” isn’t limited to a specific action (forced labour, sexual exploitation), but includes the state of being recruited, transported, transferred, harboured (i.e., the applicant reports being free from confinement and/or control).

Inclusion Beyond Three Months Application

The service manager has discretion to consider accepting applications beyond three months. In making such a determination, the service manager shall consider whether (O. Reg. 367/11 s. 54.1(3)):

- Any member of the household knew that he or she could request that the household be included in the special priority household category
- Any member of the household knew of the need to submit the request within the three month requirement
- The trafficked member is at risk from an individual engaged in trafficking, including risk due to financial hardship which could be alleviated by the provision of RGI assistance
- The trafficked member needs RGI assistance to alleviate financial hardship arising from legal proceedings in relation to trafficking
Note: Verification of the legal proceedings are not required as a condition of this consideration (O. Reg. 367/11 s. 57 para. 3(ii))
- The trafficked member is attempting to use the provision of RGI assistance as part of an overall program of recovery and re-establishment of a safe and normal life

- The trafficked member is living in an emergency shelter or temporary housing and receiving treatment or counselling, or
- There are any other extenuating circumstances.

Request Requirements

The request to be included in the special priority household category must be in writing and made by a member of the household who is 16 years old or older.

The request must include a written consent from the trafficked member or a person authorized to consent on the trafficked member's behalf, consenting to the disclosure of information and documents required by the service manager to verify the requirement (O. Reg. 367/11 s. 56(1, 2 & 4)):

- That the member is being or has been trafficked (O. Reg. 367/11 s. 54.1(1)), and if applicable,
- That the written request was made within three months after the trafficking stopped (O. Reg. 367/11 s. 54.1(2) para. 1).

Verification (Declaration) of Abuse by Trafficking

The service manager must accept a written record by any other individual who knows about the trafficking, but may also require a declaration of the truth of the record, administered by a commissioner for taking affidavits.

The service manager can waive the requirement for written verification (and accept verbal verification) when they are satisfied that the member making the request and/or the person preparing the record will be at risk from an individual engaged in trafficking, or that the written record is not required due to extenuating circumstance (O. Reg. 367/11 s. 58.1 (1-4)).

Community Professionals

A documented record of abuse from an approved community professional will also be submitted to the service manager on behalf of the applicant. The community professional is required to provide a professional and informed opinion of the likelihood that trafficking has occurred based on the applicant's description of the circumstances. Refer to O. Reg. 367/11 s. 58.1 (6) for a list of approved community professionals.

Restrictions on Requiring Information and Documents

The service manager shall not require a person to provide information or documents if (O. Reg. 367/11 s. 57 para 1 & 3):

- the service manager is satisfied that the person is unable to do so
- the member believes that he or she or any other member of the household may be at risk of abuse if he or she attempts to obtain the information or documents, or
- the member has commenced legal proceedings against the individual engaged in the trafficking and shall not require information or documents relating to such proceedings.

**Removal of
Special Priority
Status**

Once it has been determined that a household is eligible for the Special Priority household category on the waiting list, the status cannot be changed or removed except for the following circumstances (O. Reg. 367/11 s. 55 (2)(a.1 and b)):

1. The member who made the request for special priority status notifies the service manager that he/she is adding the individual who was or is engaged in the trafficking to the household's application;
2. Where only one individual is or was engaged in the trafficking, that the individual is deceased; and
3. If the household has accepted an offer of RGI assistance, whether or not that offer comes from a housing provider within the service area of the service manager.

**Internal
Transfer
Request**

Responsibility for determining special priority eligibility for internal transfer requests, i.e. within existing housing projects/portfolio, rests with the housing provider.

The housing provider must give a household in the special priority household category priority over a household that is not in the special priority household category (O. Reg. 367/11 s. 47 (5 & 6) and s. 48).

A determination concerning the inclusion in the special priority category must be completed within 14 business days after the application is complete. This applies whether the request is made with an RGI application, or special needs housing or with an application for an internal transfer (see HIP Policy – [Housing Provider Internal Transfer Policy Requirement](#)).

**Service
Manager
Appeal**

Reviews related to inclusion in the special priority household category or housing providers' internal transfers must be completed within 10 business days after the request for the review is received. The notice of the decision

and reasons must be given within five business days after the decision was made (O. Reg. 367/11 s. 138).

Information pertaining to the Region of Peel service manager appeal process is provided to the applicant when it is proposed that priority status be denied. Refer to the [Service Manager Appeal HIP](#) policy.

**Action
Required**

Housing Provider Role

The role of the housing provider is to accept applicants through the established CWL placement process when a vacancy occurs. Some applicants will have approved VOHT status.

The housing provider will refer any potential VOHT tenants/members to the CWL, i.e. to be reviewed under this special priority status.

Service Manager Role

Peel Access to Housing (PATH) is mandated to complete the following:

1. Determine whether an RGI applicant's submission is complete within seven business days; and within 30 business days or more, to determine whether such an applicant qualifies for RGI, then
2. Determine whether a VOHT applicant's submission is complete within seven business days; and within 14 business days or more, to determine whether such an applicant is eligible for special priority (this also applies to special needs applicants who may also be VOHT applicants) and internal transfers.

For the purpose of determining special priority eligibility, the applicant must provide the service manager all information and documents required for the purpose of verifying that trafficking is or has taken place. The applicant must provide the following to PATH:

- PATH VOHT Form (Declaration Form) completed and signed by both the applicant and approved community professional
- Explanation if request falls outside the three month application rule (if applicable)

Applicants who are not on the CWL are required to provide a PATH Application for Subsidized Housing and meet the RGI eligibility criteria, as outlined in the HSA section 42 and O. Reg. 367/11 sections 24 to 29, **first** before the applicant is considered for the special priority household category.

The wait list date of households that are not included in the special priority household category is determined by the date the household's application for RGI assistance is deemed complete. The priority date of special priority households is determined by the date the household requested to be included in the special priority household category (O. Reg. 367/11 s. 52 (1)).

Note: The priority date cannot precede the wait list date.

Applicants that meet the eligibility criteria will be notified and given priority status on the waiting list.

Questions

If you have any questions, please contact your Housing Programs Specialist.
