

Lambton County Community Services Housing Services Department Policy and Procedure Manual

SUBJECT: Special Priority Status – Victims of Domestic Abuse		INDEX NO.: 1.009
EFFECTIVE: 01/10/01	APPROVED: 03/07/02	REVISED: 01/14/08

Policy

Under the *Social Housing Reform Act, 2000 (SHRA)*, people who are victims of domestic abuse are eligible for Special Priority Status (SPS) on social housing providers' waiting lists. The Service Manager will determine eligibility for the special priority category of all applicants and current households who request to be placed on the internal transfer list of a housing provider. S 11 (2). When a household is granted special priority status, it will be placed on the waiting list chronologically and offered geared-to-income (RGI) housing before anyone in another category on the housing provider's chronological waiting list or the centralized waiting list.

Applicants housed under the Special Priority Status who deliberately provided false or inaccurate information for the purpose of receiving priority status for RGI assistance will have their RGI assistance terminated.

Procedure

Special Priority Status (SPS) may be issued to a household where a member of the household is experiencing or has experienced domestic abuse.

Abuse means:

- a) One or more incidents of
 - i. physical or sexual violence, or
 - ii. controlling behaviour, or
 - iii. intentional destruction or intentional injury to property, or
- b) Words actions/gestures that threaten an individual or lead an individual to fear for his or her safety.

For the purpose of the definition of "abuse", abuse is done by any of the following persons against an individual:

- a) The individual's spouse, parent, child, or other relative.
- b) A person who is sponsoring the individual as an immigrant.

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- c) A person on whom the individual is emotionally, physically or financially dependent.

A request for “Special Priority Status” must be in writing, must be signed and must state that

- a) a member of the household has been subjected to abuse from another individual;
- b) the abusing individual is or was living with the member or is sponsoring the member as an immigrant; and
- c) the abused member intends to live permanently apart from the abusing individual. O.Reg.298/01, s.24(3)

Refer to Victim of Domestic Abuse Verification Form 3.021

If the abused member is less than 16 years of age, a request may be made on his or her behalf by another member of the household, excluding the abuser.

The request for Special Priority Status must be made within three months of separating, or longer where the Service Manager verifies the statement of abuse required under clause 24 (3) (a) and is satisfied that the abuse is ongoing at the time the request is submitted. The Service Manager may allow a request to be submitted later for the following reasons:

- a) No member of the household knew that he or she could request to be included in the SPS category;
- b) No member of the household knew of the need to submit a request within three months;
- c) The abused member is at risk of further abuse from the abusing individual;
- d) The abused member is at risk of resuming living with the abusing individual due to financial hardship which could be alleviated by the provision of rent geared-to-income assistance;
- e) The abused member is in need of rent geared-to-income assistance to alleviate financial hardship arising from legal proceedings in relation to the previous abuse;

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- f) The abused member is attempting to use the provision of rent geared-to-income assistance as part of an overall program of recovery and re-establishment of a safe and normal life;
- g) The abused member is living in an emergency shelter or in temporary housing and is receiving treatment or counselling; or
- h) Any other extenuating circumstances, as assessed by the Service Manager.

Verification Process

In order to be eligible for the Special Priority Status, the applicant's situation must correspond to the definition of abuse and indicators of abuse as defined in the *SHRA* and be verified. Special Priority Status will be assigned once eligibility has been determined.

Victim of Domestic Abuse Verification Form (3.021) is to be completed, in writing. Verification of co-habitation is required.

The confidentiality of this report and any information collected for the purposes of determining Special Priority Status shall not be disclosed or shared under section 163, 164 or 165 of the Act except in accordance with the regulations. O. Reg. 368/01, s. 23 (1) and (2). All information collected for the purposes of determining Special Priority Eligibility will be retained in accordance with the *Freedom of Information and Protection of Privacy Act*.

If the member making the request for Special Priority Status believes that he or she will be at risk of being abused by the abusing individual if he or she attempts to obtain information or a document, the Service Manager shall not require the member to provide that information or document. O. Reg. 298/01, s. 24(10).

A household may be removed from the special priority category on the centralized waiting list if the applicant notifies the Service Manager that he or she is adding the abusing individual to the application for RGI assistance or the abuser is deceased or the household accepts an offer of RGI assistance.

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Indicators of Abuse

Verification of the applicant’s statement that he/she has been abused in order to receive Special Priority Status could be any of the following: (O.Reg.298/01)

- a) A record of intervention by the police indicating that the individual was abused by the abusing individual.
- b) A record of physical injury caused to the individual by the abusing individual.
- c) A record of the application of force by the abusing individual against the abused individual to force him/her to engage in sexual activity against his/her will.
- d) A record of one or more attempts to kill the member or another member of the household.
- e) A record of the use of a weapon against the member or another member of the household.
- f) A record of words, actions, or gestures by the abusing individual that threaten the member or his/her property including but not limited to:
 - i) threatening to kill the member or another member of the household;
 - ii) threatening to use a weapon against the member or another member of the household;
 - iii) threatening to physically harm the member or another member of the household;
 - iv) destroying or injuring or threatening to destroy or injure the member’s property;
 - v) intentionally killing or injuring pets or threatening to kill or injure pets;
 - vi) threatening to harm or remove the member’s children from the household;
 - vii) threatening to prevent the member from having access to his/her children;
 - viii) forcing the member to perform degrading or humiliating acts,
 - ix) terrorizing the member;
 - x) enforcing social isolation upon the member;
 - xi) failing to provide or withholding the necessities of life;

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- xii) threatening to take action to withdraw from sponsoring the member as an immigrant;
- xiii) threatening to take action that might lead to the member being deported;
- xiv) other words, actions, or gestures that threaten the member or lead the member to fear for his/her safety.
- g) A record of undue or unwarranted control by the abusing individual over the member’s personal or financial activities.
- h) A record of one or more incidents of stalking or harassing behaviour against the member or another member of the household.

Person(s) Who May Provide Verification

A record of abuse completed by an authorized individual must be in their professional capacity s.25 (3). The following people may verify the applicant’s statement of abuse:

- a) A doctor.
- b) A registered nurse or a registered practical nurse.
- c) A lawyer.
- d) A law enforcement officer.
- e) A member of the clergy.
- f) A teacher.
- g) A guidance counsellor.
- h) An Individual in a managerial or administrative position with a housing provider.
- i) A community services worker, including
 - i. a community health care worker,
 - ii. a social worker,
 - iii. a social service worker,
 - iv. a victim services worker,
 - v. a settlement services worker,
 - vi. a shelter worker, and
 - vii. a community legal worker.
- j) Any other individual who knows of the abuse, who may be required to provide a declaration of truth of the record.

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Definitions that may apply under the *Social Housing Reform Act*:

“community health care worker” means an individual employed by a community health centre to provide health promotion education and information and to administer health and health promotion programs;

“community legal worker” means an individual employed by a community legal clinic that provides legal aid services in the area of clinic law, within the meaning of section 2 of the *Legal Aid Services Act* 1998;

“community services worker” means an individual employed by an agency or organization for the purposes of providing social support services in the community;

“member of the clergy” means a minister or religion authorized under provincial law to perform marriages;

“settlement service worker” means an individual employed by an agency or organization to assist individuals coming to Ontario to settle in, adapt to and integrated into the community;

“shelter worker” means an individual employed by an agency or organization to assist individuals for whom the agency or organization provides accommodation in an emergency or transitional shelter because of homelessness or abuse;

“social service worker” means an individual who performs the role of a social service worker within the meaning of section 10 of Ontario Regulation 383/00 made under the *Social Work & Social Service Work Act* 1998;

“social worker” means an individual who performs the role of a social worker within the meaning of section 9 of Ontario Regulation 383/00 made under the *Social Work & Social Service Worker Act* 1998;

“victim service worker” means an individual employed by an agency or organization to provide support initiatives for victims of crime and disaster. O.Reg.298/01,s.25(6)

