



**CANMORE COMMUNITY
HOUSING CORPORATION**

Board of Directors Meeting Agenda

April 14, 2011

5:30 pm – 7:30 pm

CCHC Boardroom

Agenda items subject to change

BOARD PHOTOGRAPH

1. Approval of Agenda
2. Approval of March 10, 2011 Minutes
3. Business Arising from Minutes
4. Committee Reports
 - a. Executive Committee
 - b. Communication Committee
 - c. PAH Demand Assessment Committee
5. Report from Managing Director
6. New Business
 - a. 2011 PAH Gross Household Income Limit – for information
 - b. 2011 Core Need Income Thresholds (CNIT) – for information
 - c. Draft Applicant Appeal Policy and Procedure – for decision
7. In Camera
 - a. Intergovernmental Issue
 - b. Draft Audited Financial Statements
 - c. Development Issue
 - d. Legal Issue
 - e. Client Issue
8. Direction to Council
9. Next Meetings
 - a. Proposed Board Meeting Dates: May 19 and June 9 or 16
 - b. Annual General Meeting/Quarterly Shareholder Meeting: May/June
10. Meeting adjournment

A majority of the Directors in office shall constitute a quorum. In the case of an equality of votes, the Chair shall be entitled to a second or casting vote.



**CANMORE COMMUNITY
HOUSING CORPORATION**

**Board of Directors Meeting Minutes
DRAFT FOR APPROVAL
Thursday, March 10, 2011
CCHC Boardroom**

Board members in attendance:

John Borrowman
Cathy-Anne David
Karen Greene
Bob Kocian

Kimber Meister
Brent Rosvold
Heather Schilling

Others: Jennifer Bisley, Managing Director, CCHC
Gary Buxton, Town of Canmore CCHC Liaison

Regrets: Garth Lyon
Ed Russell

There being a quorum, Cathy-Anne David called the meeting to order at 5:31pm.

1) Agenda Approval

Moved by Karen Greene to approve the agenda as amended with the addition of 7d Legal Issue.

Carried unanimously.

2) Review and Approval of Minutes

Motion 2011.8

Moved by Bob Kocian that the Board approve the Minutes of the February 10, 2011 Board meeting as presented.

Carried unanimously

3) Business Arising from Minutes: none

4) Committee Appointments

a) **Executive Committee:** no report.

b) **Communication Committee:** verbal report accepted for information.

c) **PAH Demand Assessment Committee:** verbal report accepted for information.

5) Report from Managing Director:

Managing Director's Report presented, discussed and accepted for information.



6) New Business

a) **Annual Eligibility Criteria Review**

Kimber Meister declared a conflict of interest and removed herself from the discussion and vote.

Motion 2011.9

Moved by Heather Schilling that CCHC recommend to the Town of Canmore that no changes be made to the PAH Eligibility Criteria in Section 6 and the PAH Partnership Agreement in Section 7 of the *Town of Canmore PAH Policy* (Resolution 180-2009, May 12, 2009).

Carried (6 in favour; 1 abstention)

Motion 2011.10

Moved by Cathy Anne David that CCHC recommend to the Town of Canmore that it rescind Town of Canmore Resolution 245-2008 (CCHC Palliser Village Rental Eligibility Criteria) and replace it with the March 10 2011 The Hector at Palliser Village Rental Eligibility Criteria policy as attached.

Carried (6 in favour; 1 abstention)

7) In Camera

Moved by Bob Kocian to go in camera at 6:48 pm. Carried unanimously.

a) **Intergovernmental Issue**

b) **Intergovernmental Issue**

Brent Rosvold and Karen Greene declared a conflict of interest and left the meeting at 7:23pm

c) **Legal Issue**

Moved by Bob Kocian to come out of camera 7:40pm.

Motion 2011.11

Moved by Kimber Meister to authorize the Managing Director to initiate Lease Amendment Option 2 (severed document).

Carried (5 in favour; 2 abstentions)

Karen Greene and Brent Rosvold returned to the meeting at 7:42pm.



d) Legal Issue

Kimber Meister declared a conflict and left the meeting at 7:42pm

Moved by Karen Greene to go in camera at 7:42pm

Moved by John Borrowman to come out of camera 7:54pm

8) Direction to Council: none

9) Motion to Adjourn

Moved by Karen Greene to adjourn the meeting at 7:55 pm

Carried unanimously.

DRAFT

Attachment: Motion 2011.10

EFFECTIVE DATE:

ADOPTED BY RESOLUTION:

POLICY TITLE:

The Hector at Palliser Village Perpetually Affordable Housing (PAH) Eligibility Criteria

1. INTRODUCTION

The Eligibility Criteria contained in this policy are specifically for The Hector at Palliser Village Perpetually Affordable Housing (PAH) rental property and replaces Resolution #245-2008 (July 2008).

The *Perpetually Affordable Housing (PAH) Policy* (Resolution 180-2009, May 12, 2009) includes a definition of "Perpetually Affordable Housing" and specific Eligibility Criteria. Section 6.15 allows the Eligibility Criteria contained in that Policy to be altered either generally, or specifically with respect to a particular PAH project or development, with the approval of Council, such as in the case of The Hector at Palliser Village.

The Hector at Palliser Village was funded in part by the Province of Alberta under the Rural Affordable Housing Partnership Initiative (RAHPI), and accordingly, is subject to the terms and conditions of that grant, including maximum income criteria.

Canmore Community Housing Corporation (CCHC) may act as the Town's agent to implement the eligibility criteria through an application process. Should applicants wish to appeal a CCHC staff decision, appeals shall be made to the CCHC Board. The CCHC Board has the discretion to consider how staff applied and interpreted the eligibility criteria, but does not have the discretion to allow exceptions to the eligibility criteria itself. The decision of the CCHC Board is final. A report on all appeal decisions will be made available to Town Council on a quarterly basis.

2. DEFINITIONS

"**CNIT**" is the Core Need Income Threshold published annually by the Province of Alberta, which limits the gross annual income by unit type allowed in developments funded by specific provincial grants.

"**Disability**" refers to a prolonged and/or permanent condition that substantially limits an individual's ability to earn a living. This includes, but is not limited to, recipients of the Assured Income for the Severely Handicapped (AISH) in Alberta and of the Canadian Pension Plan (CPP) Disability Benefit.

"**Employed**" includes, but is not restricted to, being on maternity leave or sick/disability leave, or being a homemaker, or having accepted a bona fide job offer.

DRAFT FOR APPROVAL

"Tenants" are all adult persons living in rental accommodation. All such persons shall be on the lease.

3. ELIGIBILITY CRITERIA

Applicants are required to meet all qualifications.

Age and Canadian Legal Status: All applicants of Alberta legal age must be listed as Tenants on the rental lease and must be a Canadian Citizen, or be a Permanent Resident, or possess a valid Canadian work permit.

Employment: All Tenants must be one of the following:

- i. an employee working in Canmore a minimum average of twenty (20) hours per week for a licensed Canmore business; or
- ii. a self-employed person with a Canmore business license or recognized equivalent performing the services as a self-employed person for a minimum of an average of twenty (20) hours a week; or
- iii. a retiree, and the spouse or caregiver of the retiree, who meets one of the following conditions:
 - a. has worked in Canmore a minimum average of twenty (20) hours per week for at least three (3) years; or
 - b. has lived in Canmore for at least five (5) years since the age of fifteen years old.or;
- iv. is an individual, and the spouse or caregiver of the individual, who has a disability and who meets one of the following conditions:
 - a. has worked in Canmore a minimum average of twenty (20) hours per week for at least three (3) years; or
 - b. has lived in Canmore for at least five (5) years since the age of fifteen years old.

Residency: Preference shall be given to Tenants who currently live in Canmore and shall have lived in Canmore for at least the twelve (12) months prior to the effective date of the lease.

Occupancy: The rental home must be the permanent primary residence, on a continuous basis, of all Tenants.

Net Household Assets: none

Gross Annual Income: All tenants must meet the Core Needs Income Threshold (CNIT) as approved by the Province of Alberta or as otherwise agreed to by the Province of Alberta.



BOARD MEETING DATE: April 14, 2011

SUBJECT/TOPIC: **Executive Committee Report**

PURPOSE: For information

2010 Application Audit

The Vice Chair is responsible to undertake an “Application Audit” which is a review of PAH applications to ensure that the application process and eligibility criteria are being applied appropriately.

Administration prepares an annual application summary for the PAH Ownership and The Hector at Palliser Village PAH Programs. The summary provides details of how the applicants met, or did not meet, the eligibility criteria and whether any exceptions or variations were permitted.

An exception refers to the process, not the eligibility criteria, and means that an alternate form of documentation was accepted to confirm eligibility. For example, a TD1 and proof of filing may be accepted in place of a Tax Notice of Assessment or if an applicant could prove a significant change of circumstances, estimated current year income may be used instead of the previous years.

A variation is specific to the PAH Ownership Application in circumstances when the income or asset caps are exceeded.

Process

1. The Vice Chair becomes familiar with the application process by meeting with staff and reviewing the application forms, the eligibility criteria, required documentation, and verification process.
2. The Vice Chair reviews the application summary sheet and identifies any “red flags” and selects a between 5 to 10 files to be reviewed in the office to ensure that CCHC is applying the eligibility criteria and has the appropriate documentation.
3. The Vice Chair meets with the Managing Director to discuss the audit, identify any issues and give suggestions to improve the process to ensure accountability is being achieved and

Findings and Recommendations to be Implemented

1. Application procedures are well understood by staff and are detailed in procedural documents. Policies in relation to allowing exceptions in the process are understood by staff, notations made in individual files and the summary sheet, but they are not detailed in

a policy document. It is recommended that policies and procedures documents be revised to include policies regarding process exceptions. This is an activity identified in the 2011 Business Plan.

2. Variations to household income and assets as allowed by the PAH Policy are documented in individual files supported by a spreadsheet and a notation made on the summary sheet. It is suggested that in situations when assets exceed the net household asset limit, assets should be assessed in view of their income earning potential and impact on household income.
3. The Managing Director is changing the income documentation requirements for PAH Ownership so that applicants will be required to submit their T1 General Return that provides details on the types of income that make up Line 150 Total Income in addition to the tax notice of assessment to identify potential undisclosed income earning assets.

Prepared by: Jennifer Bisley, Managing Director
Prepared on: April 4, 2011



BOARD MEETING DATE: April 14, 2011

SUBJECT/TOPIC: **Managing Director's Report**

PURPOSE: Activity Report

HIGHLIGHTS

Activities in March focused on the administration of the PAH Program, preparation for the shareholders meeting, and sales and marketing.

MANDATE AND ACTIVITY HIGHLIGHTS

1. RESEARCH AND ADVICE

- The CCHC Chair, Vice-Chair and Managing Director have participated in two more meetings to review the Comprehensive Housing Action Plan.

2. MANAGEMENT OF HOUSING INVENTORY

PAH Program

- Completed annual residency declaration procedures.
- Completed 2010 PAH Application Audit
- Calculated 2011 Gross Household Income Limits
- Worked with Town Administration on staff report to changes to eligibility criteria.

The Hector at Palliser Village:

- Occupancy as of April 1, 2011 is 90%: 2 x studios, 1 x one-bedroom, 2 x two-bedrooms, and 1 three-bedroom available.
- Implemented rent changes and eligibility criteria confirmation process.
- Monitored CNIT limits and prepared letter to Province.
- Reviewed Requests for Quotes for automobile plugs at The Hector.
- Met with PEKA to discuss management of building and preparing for Spring clean up.
- Continue to monitor construction deficiencies with the Town of Canmore.

Other

- Reviewing Palliser Lane playground safety issues particularly as it pertains to signage, crosswalks and speed limits.
- Communication with Coyote Ridge and Lamphouse Neighbourhood Association regarding Dyrgas Lane snow removal and safety concerns

PAH Sale Update

There are currently no properties available for purchaser with one new unconditional sale at the Fiveplex. Since January 1st, CCHC has sold 3 properties, conditionally sold 1 property, and purchased 1 property (Mineside Court Option Agreement) .There has been 1 sale by Owner.

For Sale by CCHC:

Fiveplex at 818-7th Street

#3, 2 Bedroom, 1,110 sf walkout bungalow,	\$249,750	SOLD
#4, 2 Bedroom & open den, 1,502 sf 2-level	\$337,950	C/SOLD (new)
#5, 2 Bedrooms & open den, 1,489 sf 2-level	\$335,025	SOLD

Mineside Court

#31, 100 Rundle Drive, 2 bedroom, 710sf	\$211,262	SOLD
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For Sale by Owner: none

PAH List Update as of Apr 5, 2011

Status	Master List	Sub-lists	
		General PAH	PV Rent
Approved	23	21	2
Pending	0	0	0
Total	23	21	2

3. COMMUNICATIONS

- Held April lunchtime information sessions on the first Wednesday of each month. Seven people attended.
- Office inquiries doubled in March to 32 from 14 in each of February and January. We are now seeing an increase in the numbers of applications for rental, but there appears to be a lack of urgency to apply for ownership due to the lack of available properties.
- Communication Committee reviewed first round of logos.
- E news letter template developed.

PERFORMANCE MEASURES as of April 5 2011

1. Occupancy rate at The Hector:

Target:	95%
Leased:	90%

2. Number of Applications Approved as of April 5 2011:

	Approved	Target	Achieved
(1) General PAH Ownership	2	20	10%
(2) Palliser Village Rental	10	40	25%
TOTAL	12	60	20%

3. Customer Satisfaction Survey: reporting in December 2011.

Prepared by Jennifer Bisley, Managing Director
March 4, 2011



Briefing Note

TO: CCHC Board

MEETING DATE: April 14, 2011

SUBJECT/TOPIC: 2011 Gross Household Income Limit

PURPOSE: For information

ISSUE: To inform the Board that the 2011 Gross Household Income Limit calculated in accordance with PAH Policy and CCHC procedures and to take effect as of May 1, 2011 is \$118,000.

RECOMMENDATION: Accept the report for information.

BACKGROUND:

Section 6.5 of the Town of Canmore's *PAH Policy* (May 2009) states the following:

6.5 Gross Household Income

6.5.1 To qualify to own a PAH unit, annual Gross Household Income shall not exceed 120 percent (%) of the AMI [Area Median Income] for couple families

6.5.2 To qualify to rent a PAH unit, annual Gross Household Income shall not exceed 100 percent (%) of the AMI [Area Median Income] for couple families.

The 2011 gross household income limit is based on 2010 estimated median income to correspond with the requirements that applicants submit 2010 income tax information as part of the application process as of May 1st, the day after the tax filing deadline of April 30th.

Median income is derived from Statistics Canada data. CCHC orders a special Family Data report from Statistics Canada each year. This report is derived from the databank on census families which is compiled from information obtained through annual personal income tax returns. The census family data include parent(s) and children living in the same dwelling, including same-sex and common-law couples.

DISCUSSION:

Calculating the Gross Household Income limit is a two-stage process:

- 1) Estimate 2010 median income and multiply by 120%
- 2) Test the resulting income limits to ensure that the most expensive PAH home is still affordable to eligible households.

STEP 1: Estimation of 2010 Median Income

The 2008 Family Data report is the most current information available from Statistics Canada. The national Average Weekly Earnings (AWE) for Canada is the index used to adjust median income for 2009 and 2010 (approved Motion 2010.9, April 15, 2010).

Couple Family Median Income	% change in national Average Weekly Earnings		Estimated Median Income	Gross Household Income (120% of Median Income)
	2009	2010	2010	2011/12
93,490	1.6%	3.5%	\$ 98,310	\$ 117,972

STEP 2: Test limit by estimating affordable mortgage

The income limit must be adequate so that the most expensive PAH home can be afforded by eligible households, which is critical for the ongoing success of the entire Program. Two scenarios are presented below. One is more conservative using a shorter amortization period and a higher 5-year closed interest rate than the other. Based on the table below, the gross household income limit meets this test.

SCENARIO ASSUMPTIONS	1: More Conservative	2: Less Conservative
Amortization Period (30 year maximum)	25 year	30 year
Interest Rate (qualifying rate of 5.34% Apr 4/11)	6.00%	5.5%
Gross Debt Servicing Ratio	32%	32%
Monthly household costs	\$ 375	\$ 375
Down payment	5%	5%
Mortgage Insurance	2.75%	3.15%
Affordable Mortgage	\$ 446,565	\$ 504,706
Maximum Value of PAH Home (Dec 31 2010)		\$ 394,000

CONCLUDING COMMENTS:

The 2011 Gross Household Income limit is calculated to be \$118,000. For comparison purposes, the 2010 limit was \$113,000 and in 2009 it was \$105,000. PAH applicant household income averaged \$56,334 in 2010 and \$60,339 in 2008/09.

The decline in average household income of qualifying applicants is attributed to the type of inventory available (two-bedroom condominiums) and to the decrease in market value of homes which resulted in the upper median income households that previously could not afford market housing now being able to purchase in the market.

This situation is expected to change should the PAH inventory grow in response to the demand for larger PAH homes and as the housing market recovers and makes market housing even more unaffordable. Accordingly, it is important to ensure that barriers are not created for households that will be in need of this type of affordable housing into the future.

ATTACHMENTS: none

Prepared by: Jennifer Bisley, Managing Director
 Prepared on: April 4, 2011



6b Briefing Note

TO: CCHC Board

MEETING DATE: April 14, 2011

SUBJECT/TOPIC: 2011 Core Needs Income Threshold

PURPOSE: For information

ISSUE: To inform the Board of the 2011 Core Needs Income Threshold and issues as it relates to the management of The Hector at Palliser Village.

RECOMMENDATION: Accept the report for information.

BACKGROUND:

The Hector at Palliser Village is a 60 unit affordable rental property consisting of 8 bachelor, 28 one bedroom, 20 two-bedroom and 4 three-bedroom units in Buildings A, B & C located at 200 Palliser Lane. The project is owned by the Town of Canmore and received \$3.4 million in provincial grant funding through the Rural Affordable Housing Partnership Initiative (RAHPI). Accordingly, the Province requires that rents be at least 10 percent below market rental rates and specifies the maximum household income to qualify to rent by unit type.

All tenants must meet the Core Needs Income Threshold (CNIT) as approved by the Province of Alberta or as otherwise agreed to by the Province of Alberta. The Province authorized an interim income limit to qualify to rent a one-bedroom in March 2010 until the completion of a program review to determine a more appropriate income limit to recognize the difference between social and affordable housing.

CNIT limits released on April 1, 2010 saw a reduction in the income limit to rent two- and three-bedroom units. Of particular concern was the two-bedroom limit that decreased to \$40,000 from \$46,500. CCHC communicated with the Executive Director at the Province on the issue who suggested that the Town wait until the program review was complete before formally requesting another exemption. This review was expected to be complete in the fall of 2010.

As of April 1, 2011, the 2011 CNIT limits saw no change to the two-bedroom income limit from the previous year and no changes had been made to the provincial program. A letter requesting the Province to allow an interim income limit of \$49,000 for two-bedroom units was prepared and provided to Town Administration for submission to the Province. The letter is attached.

The Hector Income Limits 2009-2011			
Unit Type	2009	2010	2011
Studio	\$27,000	\$28,000	\$28,500
One-bedroom	*\$39,000	*\$39,000	*\$39,000
Two-bedroom	\$46,500	\$40,000	\$40,000
Three-bedroom	\$63,000	\$58,000	\$60,000
*Interim income limit, not CNIT			

DISCUSSION:

The inappropriateness of CNIT for affordable housing projects in Canmore is an ongoing issue and affects not only The Hector, but Mountain Haven Cooperative. The Town, CCHC and MHCH need to ensure a coordinated approach advocating for change, but since the grant is between the Province and the Town, any requests need to be made by the Town. Town Administration has requested that the Mayor sign the draft letter (attached).

ATTACHMENTS: Draft Letter

Prepared by: Jennifer Bisley, Managing Director
 Prepared on: April 8, 2011

ATTACHMENT: DRAFT LETTER

April 15, 2011

The Honourable Jonathon Denis
Minister of Housing and Urban Affairs
#319 Legislature Building
10800 - 97 Avenue
Edmonton, Alberta T5K 2B6

Dear Minister Denis:

RE: Canmore Affordable Housing Project Income Limits

I am writing to request a change to the income eligibility limit to \$49,000 from \$40,000 for two-bedroom accommodation in affordable housing projects in Canmore.

This request is in accordance with Section 3.4 of the Rural Affordable Housing Partnership Initiative (RAHPI) Grant Agreement signed by the Town of Canmore in August 2006. The proposed eligibility limit better accounts for current income levels and market rents in Canmore, more closely reflects the criteria in neighbouring and similar market areas in the Province, specifically Banff (\$49,000) and Calgary (\$44,000), and is critical to occupy units in order to meet project operating and financing costs.

The Province previously approved an interim eligibility limit of \$39,000 for one-bedroom accommodation in Canmore to be used in place of CNIT limit of \$30,000 based on the same rationale. In the letter dated March 17, 2010 from Don Squire, Executive Director Housing Development, the Town was advised that the Province was continuing to work to identify eligibility criteria and limits that better recognize the difference between social housing and affordable housing and that an alternative was anticipated later in 2010.

At that time, the 2009 two-bedroom CNIT limit of \$46,500 was appropriate. However, the release of 2010 CNIT limits on April 1, 2010, saw an unexpected and significant drop in the two-bedroom limit to \$40,000. A request was made to Mr. Squire to allow Canmore to continue to use the previous year's income limit until that alternative measure was developed. Mr. Squire asked that the Town wait until the new measures were in place.

It is one year later, no alternative income measure was developed, and the 2011 CNIT limit for two-bedroom accommodation in Canmore continues to be inappropriately low at \$40,000. Accordingly, we are submitting a request to change the income limit to \$49,000 for two-bedroom accommodation in Canmore.

Thank you for your prompt consideration of this request.

Sincerely

XXXXXXXXXXXXXXXXXX

cc: Ms. Janis Tarchuk, MLA for Banff-Cochrane



6c Briefing Note

MEETING DATE:	April 14, 2011
SUBJECT/TOPIC:	Appeal Process
PURPOSE:	For decision
ISSUE:	CCHC requires a formal policy to provide guidance on the appeal process
RECOMMENDATION:	That the CCHC Board approve the proposed PAH Applicant Appeal Process policy.

BACKGROUND

The CCHC Board directed the Managing Director to develop formal policy and procedures for appeals by PAH Applicants.

Eligibility Criteria and Appeals

CCHC administers the application process to qualify applicants to buy or rent a PAH unit based on eligibility criteria detailed in Town of Canmore PAH Policy (Resolution 180-2009, May 12, 2009). In determining eligibility and qualifying applicants, CCHC has the discretion to:

- 1) determine what supporting documentation and evidence is required to demonstrate that the eligibility criteria are met; and
- 2) approve applications with variations to either the Net Household Asset or Gross Household Income cap (not both) provided the new combination of income and assets results in the household being able to afford no more than the most expensive PAH unit in inventory (Section 6.7).

CCHC has no discretion to alter the eligibility criteria.

Applicants are able to appeal a CCHC staff decision pursuant to Section 7.5. All appeals shall be made to the CCHC Board, whose decision is final.

As CCHC has no authority to change the eligibility criteria, an applicant would only be able to appeal on matters where CCHC has discretion. Specifically, an applicant could appeal on the basis that CCHC did not apply the eligibility criteria appropriately, but not on the basis of whether the eligibility criteria are appropriate.

FOIP and the Appeal Process

CCHC is considered a public body under the Freedom of Information and Protection of Privacy (FOIP) Act, and has policies and standard operating procedures in the following areas that FOIP applies: 1) In Camera meeting procedures; 2) records management; and 3) the collection, management and protection of personal information for operating programs.

These policies and procedures are outlined in the document "CCHC Policies and Procedures: FOIP" adopted by Resolution 2009.20 June 11, 2009 and appended to the CCHC Code of Conduct and Confidentiality Agreement.

As a public body, Boards may close all or part of their meetings to the public (go In Camera) if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the FOIP Act. The exception that applies in relation to client information is in circumstances of an identifiable individual where the disclosure would be an unreasonable invasion of privacy in a discussion with members of the public present.

Public disclosure of the reasons for the decision is important for the transparency and accountability of CCHC as a public body under FOIP.

DISCUSSION

The proposed policy balances the need for transparency and accountability as a public body with the paramount concern of ensuring the privacy of clients. Key features of the proposed process are:

- All appeals would be conducted In Camera.
- The Board would be provided with information to understand the key issues under consideration to further protect client privacy and to maintain objectivity in the appeal process.
- The decision would be by way of motion with the reason for the decision including a summary of issues considered.

ALTERNATIVES:

1. The Board may choose to adopt the policy as presented.
2. The Board may choose to adopt the policy with amendments.
3. The Board may choose not to adopt an appeal policy.

ATTACHMENTS: Proposed PAH Applicant Appeal Policy

Prepared by: Jennifer Bisley, Managing Director

Prepared on: April 8, 2011

ATTACHMENT:

APPEAL POLICY

EFFECTIVE DATE: April 14, 2011
ADOPTED BY RESOLUTION: 2011.XX
POLICY TITLE: PAH Applicant Appeal Process

VISION ALIGNMENT

CCHC's vision is for Canmore to be known for the quality of life of its citizens. CCHC contributes to this by advancing community housing options. Our decisions and actions are informed by corporate values of leadership, connectedness, integrity and accountability.

PURPOSE

CCHC administers a Perpetually Affordable Housing (PAH) Program pursuant to the Town of Canmore PAH Policy (Resolution 180-2009, May 12, 2009). Town policy specifies the eligibility criteria to buy and rent PAH. Town policy also states that all appeals shall be made to the CCHC Board, whose decision is final.

In determining eligibility and qualifying applicants, CCHC has the discretion to:

- 1) determine what supporting documentation and evidence is required to demonstrate that the eligibility criteria are met; and
- 2) approve applications with variations as allowed within Town Policy.

CCHC has no discretion to alter the eligibility criteria.

For greater clarity, an applicant could appeal on the basis that CCHC did not apply the eligibility criteria appropriately, but not on the basis that the eligibility criteria are not appropriate.

DEFINITIONS

“Freedom of Information and Protection of Privacy (FOIP) Act” means the rules for the protection of personal information and for access to information held by public bodies in Alberta.

“In Camera” means a meeting of the Members of the Board in the absence of the public, but may include Administration and other invited persons.

POLICY GUIDELINES

CCHC is a public body under the Freedom of Information and Protection of Privacy Act (FOIP Act).

The basic objectives of the FOIP Act are: 1) to ensure that public bodies are open and accountable to the public by providing a right of access to records; and 2) to protect the privacy of individuals by controlling the manner in which public bodies collect, use and disclose personal information.

The document "CCHC Policies and Procedures: FOIP" (adopted by Resolution 2009.20 June 11, 2009) contains CCHC policies and standard operating procedures for in camera meetings, records management and the collection management and protection of personal information for operating programs.

Appeals are to be decided upon by the CCHC Board during scheduled Board meetings.

Division 2 of Part 1 of the FOIP Act permits the CCHC Board to go In Camera in circumstances where discussion of matters pertaining to an identifiable individual with members of the public in attendance would be an unreasonable invasion of privacy.

APPEALS PROCESS

1. Once CCHC has notified an applicant of an unsuccessful application for the Perpetually Affordable Housing (PAH) Program as administered by CCHC, the applicant has 30 days to submit a "Notice of Appeal" to the Managing Director.
2. The "Notice of Appeal" must include a statement and supporting documentation from the applicant regarding the reason for appeal, specifically, why the applicant believes that CCHC did not apply the eligibility criteria appropriately.
3. The Managing Director will conduct an informal review of the decision right away to see if the problem can be solved without a formal review by the CCHC Board. If the problem is resolved, a report shall be made to the CCHC Board. If the problem is not resolved within 14 days of the notice of appeal being received by CCHC, the appeal will automatically be reviewed at the next regularly scheduled board meeting, unless the applicant withdraws the appeal in writing.
4. All appeals will be conducted in camera in the interests of protecting the privacy of applicants.
5. The "Notice of Appeal" and supporting documentation will become part of the appeal package for distribution to the Board for decision. The Managing Director will prepare a confidential briefing report with the following information:
 1. Summary of staff decision
 2. Reason for appeal as submitted in the Notice of Appeal and supporting documents.
 3. Results of the informal review process
 4. Opinion of whether the Board has the authority to hear the appeal
 5. Summary of issues for the Board to consider

To ensure the review is objective, identifiable information will be removed from the briefing materials unless it is fundamental to the appeal.

6. Following in camera deliberations, a motion of decision will be made including a summary of the issues considered and the reason for the decision.
7. The decision of the CCHC Board is final. The appellant(s) will receive a letter from the Chair of the Board of the decision. A report on all appeal decisions will be made available to Council on a quarterly basis.