

Overhousing Policy

Effective Date: October 30, 2025



1. Purpose

The Nova Scotia Provincial Housing Agency (NSPHA, the Agency) is committed to ensuring that public housing units are allocated appropriately and that tenants remain eligible for their units. Each year, tenants must take part in an Annual Eligibility Review so NSPHA can confirm who is living in their unit and verify the household's income.

If the number of people living in the unit changes and the unit is no longer the right size for the household, NSPHA may determine that the household is overhoused. If this happens, NSPHA will work with the tenant to find a smaller unit that better meets the household's needs.

The Overhousing Policy sets out how NSPHA manages situations where a household is living in a unit larger than what they qualify for under established occupancy standards. It explains how overhousing is determined, the process NSPHA will follow and the circumstances under which a household may be permitted to remain in their current unit.

2. Scope

The Overhousing Policy applies to:

- Current tenants living in a unit that is larger than the unit size they are eligible for based on their household composition.
- Prospective tenants who are being offered a unit that exceeds the size appropriate for their household due to a portfolio limitation at the time of placement.

3. Definitions

- **Tenant:** Any individual who has signed a lease agreement with the Nova Scotia Provincial Housing Agency (NSPHA). A tenant is legally responsible for:
 - Paying rent as outlined in the lease.
 - Complying with all lease terms and conditions.
 - Ensuring all occupants and guests follow the lease rules and do not cause damage or disruption.
 - Where multiple individuals have signed the lease, all are jointly and equally responsible for fulfilling its terms. In this policy, the term “tenant” refers to any or all such individuals.
- **Household members:** Adults or children living in a public housing unit who are not listed as tenants on the lease.
- **Household or household size:** The total number of people living in a public housing unit, including both tenants and household members.
- **Household composition:** The number of tenants and household members in the unit, along with their ages and how they are related to each other.
- **Suitable unit / suitable unit size:** A unit that is the right size for a household based on its composition. Suitability is determined using the Canada Mortgage and Housing Corporation’s (CMHC) National Occupancy Standard (NOS). NSPHA will also consider documented medical needs for an additional bedroom when determining suitability.
- **Overhoused:** A household is considered overhoused when the number of bedrooms in their unit is more than what they are eligible for under the National Occupancy Standards (NOS).
- **Transfer:** When a household moves from one NSPHA unit to another.
- **Community:** The geographical area where an NSPHA property is located, as defined by the Service Nova Scotia Community Boundaries Map.
- **Area:** A tenant’s community plus any surrounding communities that share a boundary with it.



- **Portfolio limitation:** A situation where NSPHA does not currently have any suitable units that meet a household's needs.

4. Policy

A. Overhoused Households

- i. A household is considered overhoused when its current unit has more bedrooms than the household is eligible for based on assessed suitable unit size.
- ii. NSPHA determines suitable unit size based on household composition, using the Canada Mortgage and Housing Corporation's (CMHC) National Occupancy Standard (NOS).
- iii. When assessing suitable unit size, NSPHA will also consider documented medical needs that require an additional bedroom.

B. Overhoused Status

- i. NSPHA will assess whether a household is overhoused as part of the Annual Eligibility and Rent Review process.
- ii. A household may also be determined to be overhoused if a reported change in household composition – such as someone moving out – reduces the maximum suitable unit size.
- iii. A household will no longer be considered overhoused if:
 - a) It is transferred to a suitably sized unit, or
 - b) The household composition changes in a way that makes the current unit size appropriate.

C. Overhoused Notification

- i. NSPHA will notify tenants who are determined to be overhoused and offer them the opportunity to move to a unit that aligns with their eligibility and household needs.
- ii. To determine the appropriate notification process, NSPHA will review the tenant's file to confirm their current stage in the overhousing process.
 - a) If the tenant has not previously been notified of their overhoused status, or has not selected the required number of properties, NSPHA will follow steps outlined in subsections iii - viii below.
 - b) If the tenant is already on the transfer waitlist with the required number of properties selected, NSPHA will contact them only when a suitable unit becomes available.

- c) If the tenant has approval on file to defer the overhousing process or remain in their unit, NSPHA will follow the process outlined in Section I. Portfolio Limitations or Section J. Requests to Defer an Overhousing Transfer or Remain in Unit, as applicable.
- iii. NSPHA will inform the tenant in person or by telephone that they are considered overhoused.
- iv. NSPHA will then issue an *Overhoused Notification Letter* to the tenant via their preferred method of contact (mail or email).
- v. In certain cases, NSPHA may request additional information from the tenant to ensure its records are accurate.
- vi. If the tenant does not respond within ten (10) business days of the date on the *Overhoused Notification Letter*, NSPHA will send a follow-up letter.
- vii. If there is no response to the *Overhoused Notification Letter* or the follow-up letter, NSPHA will begin the lease termination process for the household.

D. **Housing Selection**

- i. As part of the overhoused notification process, NSPHA will provide the tenant with an *Overhoused Tenant Transfer Form* to complete.

Identifying Suitable Properties

- ii. NSPHA will work with tenants to identify a minimum of three (3) suitable properties where they would be willing to relocate.
- iii. Tenants may select properties within or outside of their area or in other NSPHA districts:
 - a) For properties within their current area, tenants can consult the *NSPHA Building List* for their district, provided with their *Overhoused Notification Letter*.
 - b) For properties outside their current area, tenants can consult *NSPHA Building Lists* for other districts, available on the NSPHA website (nspha.ca).
- iv. All selected properties, whether within or outside the tenant's current area, will count towards the minimum three (3).
- v. If fewer than three (3) suitable properties are available in the tenant's current area, NSPHA will work with the tenant to explore appropriate housing options in nearby communities.
- vi. When submitting their selected properties to NSPHA, tenants must ensure the following:



- a) All sections of the *Overhoused Tenant Transfer Form* are fully completed, and relevant details about the household's housing and accessibility needs are provided.
- b) At least one *Building List* with selected NSPHA properties is attached.
- c) Any applicable supporting documentation, such as a *Medical Deferral Form* or *Overhoused: Specific Circumstances Request Form* (see Section J) is included.

E. Waitlist Placement

- i. Once the tenant submits their property selections, NSPHA will place the household on the transfer waitlist, using the date of the original *Overhoused Notification Letter* as the applied date.
- ii. If a tenant later changes their selected properties, the original applied date will remain unchanged.

F. Housing Offers

- i. When a suitable unit becomes available from the tenant's selected properties and the household is next on the waitlist, NSPHA will make a verbal housing offer by phone.
- ii. Tenants will have five (5) business days from the date of the offer to accept or decline.
- iii. Tenants may request to view the available unit before making a decision.
- iv. NSPHA will make a maximum of two (2) housing offers to an overhoused tenant based on their selections. A second offer will only be made if the first offer is declined.

G. Accepting a Housing Offer

- i. Tenants may accept the housing offer by contacting NSPHA by phone, email or in person at their district office.

Moving Costs

- ii. When a tenant accepts a housing offer, NSPHA will support the household by covering eligible moving-related expenses, including:
 - a) Moving of personal belongings
 - b) Downsizing and discarding of household items
 - c) Disconnection and reconnection of electricity
 - d) Disconnection and reconnection of telephone services
 - e) Disconnection and reconnection of other appropriate utilities



- f) Canada Post mail redirection charges
- iii. NSPHA will not cover any outstanding balances or arrears owed by the household to external service providers, including those related to the service listed above.
- iv. It is the household's responsibility to pay any outstanding balances or arrange a repayment plan with the relevant service providers to ensure services are active and available at the new unit.

Arrears owed to NSPHA

- v. Tenants who accept a housing offer and owe arrears to NSPHA – including unpaid rent or tenant charges – will be required to enter into a repayment agreement with NSPHA.

H. Refusing a Housing Offer

- i. Tenants may refuse a housing offer by contacting NSPHA by phone, email or in person at their district office.
- ii. NSPHA will document the refusal and issue the appropriate written notice to the tenant: either the *First Refusal Letter* or *Second Refusal Letter*, depending on how many offers have previously been declined.
- iii. If the tenant refuses two (2) housing offers, NSPHA will initiate the lease termination process in accordance with the Lease Termination Policy.

I. Portfolio Limitations

- i. Wherever possible, NSPHA will work with tenants to identify suitable unit within the government-owned public housing portfolio.
- ii. When suitable housing options in the tenant's area are unavailable, NSPHA may reduce the minimum number of required property selections.
- iii. Where necessary, NSPHA may defer the overhousing transfer process for a tenant in the following circumstances:
 - a) There are limited or no suitable units within the household's area that match the household's assessed suitable unit size.
 - b) The household requires accessibility features or other approved accommodations, and there are no suitable NSPHA units available that could reasonably meet those needs.
- iv. NSPHA will notify the household of this decision in writing through a *Portfolio Limitation Letter*.
- v. If the household wishes to transfer to a smaller unit outside of their current area while a portfolio limitation is in place, they may contact their district office to begin the transfer process.



Conditions of Portfolio Limitations

- vi. Portfolio limitations must be approved by the District Director and cannot be requested by tenants.
- vii. Portfolio limitations are temporary and will be reviewed annually. They may be renewed if the conditions that warranted the limitation remain unchanged.
- viii. If the portfolio limitation is resolved – either through a change in the household’s needs or the availability within the public housing portfolio – NSPHA will contact the household to resume the transfer process in accordance with the Overhousing Policy.

Notification When Identified as Overhoused in Subsequent Reviews

- ix. If NSPHA decides to renew a portfolio limitation, the household will receive a *Portfolio Limitation Letter* confirming that the limitation remains in place.
- x. If NSPHA decides not to renew the portfolio limitation, the household will receive an *Overhoused Notification Letter* and will be required to select alternative NSPHA properties that align with their eligibility to support a transfer.

J. Requests to Defer an Overhousing Transfer or Remain in Unit

- i. In exceptional cases, tenants may ask NSPHA to consider additional information about their household’s specific circumstances to support a request to delay a move or remain in their current unit.
- ii. NSPHA will review all requests on a case-by-case basis, taking into account the specific details and documentation provided by the tenant.
- iii. Tenants should refer to the section below that applies to their situation:
 - a) Tenants with upcoming medical procedures or who are actively recovering from a procedure should refer to Section J - Medical Deferrals.
 - b) Tenants with other specific circumstances that may make relocation inappropriate or harmful should refer to Section J - Specific Circumstances.

Medical Deferrals

- iv. Before receiving a housing offer, a tenant may request a medical deferral under the Overhousing Policy when a household member is:
 - a) Scheduled for a medical procedure that will require a recovery period that would prevent them from moving.



- b) Actively recovering from a medical procedure that prevents them from moving.
- v. Tenants should inform NSPHA of their circumstances by completing and submitting the *Medical Deferral Form*.
- vi. A medical professional providing treatment to the household member must provide a letter to support the request for a medical deferral.
 - a) The medical deferral support letter should:
 - Explain why the tenant must remain in the current unit, such as upcoming treatment or ongoing recovery.
 - Provide timelines for the tenant's procedure and when the tenant may be medically fit to move following the procedure.
 - Include the medical professional's letterhead or stamp for verification purposes.
 - b) The medical deferral support letter should not:
 - Disclose confidential patient information that is not necessary to determine the household's housing needs.
 - Include information that does not relate to the tenant's health or inability to transfer to another unit, such preferences for a particular view or floor.
 - Be used to avoid accepting a suitable housing offer that would not compromise the household member's recovery.
- vii. Tenants requesting a medical deferral must continue to participate in the overhousing process by completing and submitting the *Overhoused Tenant Transfer Form* and *Building List* by the date on their *Overhoused Notification Letter*.
- viii. When a suitable unit becomes available, NSPHA will consider the information provided in the medical support letter to determine whether the household's needs can be met without compromising recovery from a medical procedure.
 - a) If the household member is in active recovery when a suitable unit becomes available, NSPHA will withdraw the housing offer and resume the housing offer process once recovery is complete .
 - b) If the household member is not in active recovery or not scheduled for an immediate procedure that requires a recovery period, the tenant will be required to accept or decline the housing offer.



Specific Circumstances

- ix. Requests from overhoused tenants to defer an overhousing transfer or remain in their current unit will be considered only in Specific Circumstances and will be assessed on a case-by-case basis.
 - a) Criteria for Specific Circumstances are outlined in the *Overhoused: Specific Circumstances Request Form*.
 - b) Requests based only on personal preference – such as property style, unit features, location or view – will not be considered.
- x. Tenants seeking consideration under this section must inform NSPHA before a housing offer is made by completing the *Overhoused: Specific Circumstances Request Form*.
- xi. Tenants may choose to have an advocate help complete or submit the form on their behalf.
- xii. NSPHA will provide the tenant with a written decision once the review is complete.

Housing Offers

- xiii. Where applicable, NSPHA will review any specific circumstances information on file when a tenant has been approved for a transfer deferral. If a suitable unit becomes available, NSPHA will consider this information to determine whether a housing offer should be made at that time.
- xiv. If a tenant has been approved to defer moving or remain in their unit but later wishes to move to a smaller unit, they may contact their district office to begin the transfer process.

K. Lease Termination

- i. NSPHA will initiate the lease termination process under the Overhousing Policy in the following circumstances:
 - a) The tenant fails to respond to the follow-up *Overhoused Notification Letter* within ten (10) business days of its issuance.
 - b) The tenant fails to select the minimum number of public housing properties required under the **Overhousing Policy**, as communicated in the *Overhoused Notification Letter*.
 - c) The tenant refuses two (2) suitable housing offers.
- ii. NSPHA will issue a Lease Termination Letter advising that the lease termination process has commenced due to their ineligibility for the current unit under the Overhousing Policy.



- iii. The lease termination process may result in eviction in accordance with the *Residential Tenancies Act*.

L. Appeals

- i. An appeal is a formal request by an applicant or tenant to review a decision made by NSPHA.
- ii. NSPHA-initiated transfers, including Overhousing transfer decisions, are appealable. If a tenant disagrees with a transfer decision – including decisions related to overhousing, medical deferrals or specific circumstances – they may request a review through the appeal process.
- iii. NSPHA will review and respond to all appeals in accordance with its Appeal Policy and Procedures, which are available on the [NSPHA website](#).

5. Policy History

5.1. Effective Date

This policy came into effect on October 30, 2025.