

# Property Ownership Policy

Effective Date:

Approved by:



## 1. Purpose

The Nova Scotia Provincial Housing Agency (NSPHA) is updating its Property Ownership Policy in response to recommendations provided by the Auditor General's June 2022 report, *Oversight and Management of Government Owned Public Housing*.

These updates provide guidance for applicants, tenants and NSPHA staff on how residential property ownership affects eligibility for the public housing program.

This policy is designed to:

- Establish a consistent and transparent process to assess eligibility for public housing.
- Ensure that public housing is reserved for households without access to viable alternative housing options.
- Define the conditions under which a tenant who owns residential property may remain eligible, including divestment requirements.
- Recognize situations where an applicant or tenant legally owns property, but the property cannot reasonably serve as suitable housing (e.g., unsafe, inaccessible, or unavailable for their use).
- Provide guidance to staff on verifying property ownership, ensuring a consistent approach and compliance with policy requirements.

## 2. Scope

This policy applies to all applicants and tenants of the public housing program, as well as staff responsible for administering applications and conducting Annual Eligibility Reviews. It establishes a consistent, province-wide approach to confirming eligibility in relation to ownership of residential property.

### 3. Definitions

- **Applicant:** Refers to any individual or household that submits a completed application for government-owned public housing.
- **Divestment/Divest:** The sale, transfer, or other permanent disposal of ownership in a residential property. For the purposes of this policy, divestment means the tenant no longer holds any legal or beneficial interest in the property, whether individually or jointly, and is no longer responsible for any associated costs, such as mortgage payments, property taxes, or maintenance.
- **Lease:** The standard residential lease agreement issued by NSPHA. It includes the following components:
  - **Schedule A** – Statutory Conditions: As required under the *Residential Tenancies Act* (RTA).
  - **Schedule B** – Tenant Rules: Standard rules that apply to all tenants living in government-owned public housing.
  - **Schedule C** – Building/Property Rules: Site-specific rules that apply to a particular building or property.
  - **RGI Certificate:** A document generated by Yardi that provides a detailed breakdown of rent calculation under the RGI model, including household members, income sources, deductions, utility charges and the resulting monthly rent.
  - Any other applicable schedule, as required.
- **Lease Anniversary Date or Anniversary Date:** The date on which a lease was originally entered into. This date recurs annually for the duration of the tenancy.
- **Non-Disqualifying Property Ownership:** Situations where property ownership does not count against eligibility. For example, if the home is unsafe due to gender-based violence, or if it is inaccessible or otherwise not available for the person to use as housing.

- **Property Online:** A subscription service through Service Nova Scotia that provides online access to land ownership and related information collected through the province's Land Registration Offices and other sources. The Property Online database, which is available to subscribers, contains ownership information, including property maps for the entire province.
- **Residential Property Ownership:** Owner(s) of any real residential property including land and any buildings or permanent structures attached to it, and the interests, benefits and rights inherent in the ownership or physical real estate used for residential purposes.
- **Residential Tenancies Program:** The Residential Tenancies Program is a provincial administrative body within Service Nova Scotia that oversees and enforces the *Residential Tenancies Act* (RTA) – Nova Scotia landlord-tenant law. It provides information, guidance and dispute resolution services to both landlords and tenants.
- **Tenant:** Any individual who has signed a lease agreement with 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.

## 4. Policy

### A. Policy Requirements

- i. To remain eligible for the public housing program, tenants must divest any residential property owned by themselves or by members of their households, in accordance with Schedule B of the NSPHA Lease.

- a. Tenants who own residential property may qualify for public housing if they agree to sell the property within one (1) year signing a lease with NSPHA.
  - b. Tenants who inherit property while living in public housing must inform NSPHA within two (2) weeks of taking ownership and agree to sell the property within one (1) year of taking ownership.
  - c. Failure to disclose residential property ownership as an applicant or tenant may result in cancellation of the application or termination of tenancy.
- ii. NSPHA will support applicants and tenants who jointly own property with a former partner or spouse to decide if an exception applies when the property cannot be used as housing. This may include situations where the property is unsafe, such as cases of gender-based violence, or where it is inaccessible or otherwise unavailable to them.
- iii. Applicants and tenants are responsible for timely disclosure of residential property ownership, including all real estate holdings, at the time of application and throughout their tenancy, and for selling the property within the timeframes prescribed in this policy.
- iv. NSPHA staff must record and track all disclosures, monitor divestment timelines and issue written notices and reminders in accordance with this policy.

#### Disclosure at Time of Application

- v. Applicants must disclose ownership of any residential property during the application process.
- vi. Applicants must disclose ownership of residential property through the online portal (Rent Café) or manually if they are

applying via a written application.

- vii. Applicants will be required to:
  - a. Disclose ownership of any residential property.
  - b. Acknowledge that, to maintain eligibility for public housing, they must divest any residential property within one (1) year of signing a lease with NSPHA.
- viii. Before an applicant is offered a unit, NSPHA staff will confirm property ownership status during the application process.
- ix. As part of the application process, staff will ask the applicant to confirm property ownership and explain the requirement to sell the property within one (1) year of signing a lease with NSPHA. Staff will ask tenants to provide the following information regarding their residential property:
  - a. Civic address
  - b. PID (Property Identification Number)
  - c. AAN (Assessment Account Number)
  - d. Copy of tax bill
  - e. Serial number if the property is a mini (mobile) home
- x. During the lease signing appointment, applicants who disclose property ownership will be required to sign the *Divestiture Agreement Form* before signing the lease.
- xi. NSPHA staff must ensure that applicants/future tenants understand their responsibilities as a tenant under this policy, as well as the consequences of non-compliance.

#### Change in Property Ownership During Tenancy

- xii. If a tenant inherits or becomes a legal owner of a home while living in public housing, they must tell NSPHA staff within two weeks of ownership being registered in their name.
  - a. Tenants may not use owned property for rental or income

purposes, or act as landlords, while residing in public housing.

- xiii. When a tenant reports property ownership, staff will give them a *Divestiture Agreement Form* explaining requirements. The tenant must sign and return the form to confirm they understand and agree to sell the property within one (1) year of the date of ownership to remain eligible for the public housing program.

#### Divestment Timelines

- xiv. Applicants who disclose residential property ownership at the time of application must divest within one (1) year of signing a lease with NSPHA.
- xv. Tenants who inherited residential property during tenancy must divest within one (1) year of the date ownership.
- xvi. Four (4) months before the tenant's Annual Eligibility and Rent Review, staff will send the Annual Eligibility and Rent Review Package. This package will include the *Annual Eligibility and Rent Review Letter* explaining that staff will check the tenant's divestment status during the review and list the documents required as proof of divestment/sale of the property.

#### Proof of Divestment

- xvii. Tenants are responsible for providing NSPHA with the documents required to verify divestment/proof of sale.
- xviii. Acceptable proof of divestiture/sale includes:
  - a. A copy of the registered deed of sale and/or a statement of registered and recorded interests from Property Online.
  - b. An executed and completed purchase and sale agreement.
  - c. In the case of mobile homes, proof of deregistration or sale (e.g., serial number transfer).

- xix. If the tenant claims to have divested the property but does not provide proof, NSPHA staff will verify ownership status through Property Online.
- xx. It is the tenant's responsibility to provide acceptable documentation within the required timelines.

## **B. Expectations and Extensions**

- i. Tenants who do not sell their property within the required timeframe, or who fail to provide the information NSPHA needs to confirm their eligibility, will no longer qualify for public housing.
- ii. Tenants may request an extension by completing a *Property Ownership Extension Request Form* and submitting it to their local NSPHA office.
- iii. Tenants must ask for an extension before the deadline.
- iv. Extensions may be granted only by the Executive Director, Client Services.
- v. An extension may be granted for a maximum of six (6) additional months. No further extensions will be granted.

## **C. Policy Exemption**

- i. As per Section 4(A)(ii) above, there may be cases of Non-Disqualifying Property Ownership.
- ii. Examples of Non-Disqualifying Property Ownership include situations where a name may appear on title without the person holding a beneficial or controlling interest in the property (e.g., life interest with no control or benefit, joint tenancy for estate planning purposes, or where the property is unsafe, such as cases of gender-based violence).
- iii. Applicants/tenants who disclose property ownership are responsible for identifying if the property is Non-Disqualifying.



- iv. If an applicant/tenant identifies that their property is Non-Disqualifying, NSPHA may review the circumstances to determine eligibility and provide an exemption on a case-by-case basis.
- v. Applicants/tenants must apply for an exemption by completing a *Property Ownership Exemption – Non-Disqualifying Property Request Form* and submitting it to their local office.
- vi. Exemptions may be granted only by the Executive Director, Client Services.

#### **D. Enforcement**

- i. If proof of divestment/sale is not provided within required timeframe, NSPHA will begin proceedings with the Residential Tenancies Program (RTP) to terminate the tenancy.
- ii. Prior to terminating the tenancy, staff will:
  - a. Issue a written reminder 90 days before the divestment deadline.
  - b. Issue a Final Notice of Non-Compliance if the deadline passes without proof of divestment, advising that termination proceedings will begin.

## **5. References**

Relevant legislation:

- [Residential Tenancies Act, RSNS 1989, c 401](#)