



Province of Alberta

ALBERTA HOUSING ACT

SOCIAL HOUSING ACCOMMODATION REGULATION

Alberta Regulation 244/1994

With amendments up to and including Alberta Regulation 22/2024

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Office Consolidation

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(Consolidated up to 22/2024)

ALBERTA REGULATION 244/94

Alberta Housing Act

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Interpretation and Application

Interpretation and application

1(1) In this Regulation,

- (a) “Act” means the *Alberta Housing Act*;
- (b) “adequate” means not in need of major repair or not lacking necessary services and facilities;
- (c) repealed AR 207/2022 s2;
- (d) “assets” means all property including cash and liquid assets, but does not include the assets referred to in subsection (4);
- (e) “basic rent” means the monthly rent for social housing accommodation and full services;
- (e.1) “continuing care home” means a continuing care home as defined in the *Continuing Care Act*;
- (f) “dependant” means
 - (i) an individual who is less than 25 years of age and is related by blood, adoption or marriage or by virtue of an adult interdependent relationship to another member of the household, or
 - (ii) a member of the household who is considered to be a dependant, as defined under section 118(6) of the *Income Tax Act (Canada)*, of another member of the household;
- (g) “full services” means necessary services and facilities including heat, water, sewer or a septic system, a stove and a refrigerator, but does not include electricity;
- (h) “functionally independent” means physically and mentally self-sufficient;

- (i) “household” means an individual who is applying for or occupying social housing accommodation, including the following, if any:
 - (i) the spouse or adult interdependent partner of the applicant or occupant;
 - (ii) an individual, related by blood, adoption or marriage, or by virtue of an adult interdependent relationship, or who is known to have lived regularly as a member of the household as part of the family unit;
 - (iii) the dependants who are living with the applicant or occupant, including any dependants of whom the applicant or occupant has joint or sole custody;
 - (iv) an individual considered by the management body to be a member of the household under subsection (2);
 - (v) a live-in aide;
- (i.1) “live-in aide” means an individual who, in the opinion of the management body, is required to live as a member of the household to provide services or assistance to enable other members of the household to be functionally independent;
- (j) “management body” means a management body established under the Act for the purpose of providing social housing accommodation under this Regulation;
- (j.1) “non-senior household” means, for the purposes of prioritization of need and allocation of housing accommodation and rent setting, a household in which all members of the household are under 65 years of age;
- (k) repealed AR 265/2018 s2;
- (l) “social allowance” means any full or partial payment received under the *Income Support, Training and Health Benefits Regulation* (AR 122/2011) and any payment under a social assistance program of the Government of Canada;
- (m) repealed AR 37/2022 s2;
- (n) “total annual income”, in respect of a household, means
 - (i) except where subclause (ii) applies, the total income of all members of the household 22 years of age or older, other than a live-in aide or a dependant who

attends a recognized school or education institution full time, each of whose income is

- (A) the total income shown on line 15000 of the Notice of Assessment in respect of the income tax return filed by the member under the *Income Tax Act* (Canada) for the immediately preceding taxation year, or
- (B) if a Notice of Assessment is not available for the immediately preceding taxation year, or if the Notice of Assessment is not an accurate reflection of the household's current income, the amount that is determined and verified by the management body using the same income information that would be used by the member to report total income on line 15000 of an income tax return for the current taxation year,

or

- (ii) in the case of a household that includes 2 individuals who are the spouses or adult interdependent partners of one another, one of whom is 65 years of age or older, and who have jointly elected to split pension income, the sum of
 - (A) the income of the individual who is receiving the pension, being the total income shown on line 15000 of the Notice of Assessment less the amount shown on line 21000 of the Notice of Assessment in respect of the income tax return filed under the *Income Tax Act* (Canada) for the immediately preceding taxation year by that individual, and
 - (B) the income of the other individual, being the total income shown on line 15000 of the Notice of Assessment in respect of the income tax return filed under the *Income Tax Act* (Canada) for the immediately preceding taxation year by that individual,

where the amount deducted on line 21000 of the Notice of Assessment of the individual who is receiving the pension and the amount claimed on line 11600 of the other individual's Notice of Assessment are the same;

- (o) repealed AR 207/2022 s2.

(1.1) In the Act,

- (a) “cottage unit” means lodge accommodation without meals;
- (b) “monthly disposable income” means the total monthly income — lodge accommodation less the monthly basic lodge rate under the Act;
- (b.1) “social housing accommodation” means a housing or lodge accommodation provided under Part 3;
- (c) “standard lodge accommodation” means lodge accommodation other than a cottage unit;
- (d) “total monthly income — lodge accommodation” in respect of a member of a senior household in lodge accommodation means
 - (i) the member’s total income as shown on line 15000 of the Notice of Assessment in respect of the income tax return filed by the member under the *Income Tax Act* (Canada) for the taxation year that ended immediately before the adjustment date, less any federal and provincial taxes payable on that income, divided by 12,
 - (ii) if a Notice of Assessment is not available under subclause (i), the amount that is determined and verified by the management body using the same income information that would have been used by the member to report total income on line 15000 of an income tax return for the taxation year that ended immediately before the adjustment date, divided by 12,
 - (iii) if the Notice of Assessment under subclause (i) and the amount under subclause (ii) are not available, the member’s total income as shown on line 15000 of the Notice of Assessment in respect of the income tax return filed by the member under the *Income Tax Act* (Canada) for the taxation year preceding the taxation year that ended immediately before the adjustment date, less any federal and provincial taxes payable on that income, divided by 12, or
 - (iv) if the Notice of Assessment under subclause (i), the amount under subclause (ii) and the Notice of Assessment under subclause (iii) are not available, the amount that is determined and verified by the management body using the same income

information that would have been used by the member to report total income on line 15000 of an income tax return for the taxation year preceding the taxation year that ended immediately before the adjustment date, divided by 12;

- (e) “senior household” means, for the purposes of prioritization of need and allocation of housing accommodation and rent setting, a household consisting of individuals, one or more of whom are
 - (i) 65 years of age or older, or
 - (ii) less than 65 years of age with special circumstances appropriate to the social housing accommodation for which application is being made.

(1.2) For the purposes of the Act, the CPI adjustment date is January 1.

(2) For the purpose of determining the eligibility and the priority of need of a household for social housing accommodation, the management body may consider any individual as a member of that household who is usually a member of the household, but is temporarily absent by reason of

- (a) military service,
- (b) hospitalization,
- (c) employment,
- (d) school attendance, or
- (e) other special circumstances.

(3) Repealed AR 207/2022 s2.

(4) The following are not assets for the purposes of the definition of “assets”:

- (a) clothing for personal use;
- (b) furniture, household furnishings and household appliances for personal use;
- (c) repealed AR 207/2022 s2;
- (d) the equity in one motor vehicle that is not primarily used for recreation;

- (e) a motor vehicle that is specially adapted to accommodate a disability of a member of the household;
- (f) any assets of the household or a member of the household that are held by a trustee in bankruptcy under the *Bankruptcy and Insolvency Act* (Canada);
- (g) assets in pension funds, registered disability savings plans, registered education savings plans, registered retirement savings plans, or registered retirement income funds;
- (h) the tools, implements, equipment, , including agricultural equipment and supplies, reference materials and supplies necessary for the profession, trade or calling of a member of the household;
- (i) Tax Free Savings Accounts;
- (j) a payment or refund, designated by the Minister, that is received, directly or indirectly, from the Government of Alberta or the Government of Canada.

(5) The Minister may exempt a management body, or any social housing operated and administered by a management body, from the application of any provision of this Regulation, subject to any terms and conditions the Minister considers appropriate.

(6) The Minister may exempt any income or any other amount received by a member of a household in the calculation of the total annual income of a household for the purposes of eligibility and prioritization of need and allocation of housing accommodation and rent setting.

AR 244/94 s1;408/94;219/95;238/96;40/97;35/98;202/98;
256/2000;19/2001;154/2003;116/2004;261/2004;
200/2006;114/2009;145/2017;146/2017;265/2018;
37/2022;207/2022;22/2024

Part 1

Application for Social Housing Accommodation

Application

2(1) A household may apply for social housing accommodation to the management body that provides the social housing accommodation.

(2) The application must be made in the form and manner required by the management body.

Priority of need

3(1) After determining a household's eligibility for social housing accommodation, a management body must determine the priority of need of the household

- (a) in accordance with Part 1 of Schedule A, or
- (b) in accordance with a method approved by the Minister.

(2) The management body may require a household to provide any information necessary to determine the priority of need for the household.

Allocation of housing accommodation

4 A management body must allocate social housing accommodation in accordance with Part 2 of Schedule A or in a manner determined by the Minister.

Income verification

5 A management body must verify the total annual income of a household for all social housing accommodation, except for lodge accommodation under section 33.1 of the Act and sections 10 and 11 of this Regulation,

- (a) before the household is allocated social housing accommodation, and
- (b) at least once each year while the household is occupying social housing accommodation.

AR 244/94 s5;408/94;146/2017;265/2018;207/2022

Part 2

Setting of Basic Rent

Basic rent

6(1) The basic rent charged a household for community housing accommodation referred to in section 9(1) and for seniors self-contained housing accommodation referred to in section 9.1(1) must be reviewed and set annually in accordance with Part 1 of Schedule B and in accordance with an annual rent review timetable, if any, established by the management body.

(2) Notwithstanding section 4(2)(f) of the *Housing Accommodation Tenancies Regulation* (AR 242/94) and in addition to reviews under subsection (1), the basic rent referred to in subsection (1)

- (a) may be increased to reflect a household's ability to pay only when there has been
 - (i) a misrepresentation of income or income not fully declared by the household,
 - (ii) a change in the composition of a household, or
 - (iii) a change as defined by the Minister,and
- (b) must be reduced if the household's characteristics change resulting in a decrease in the household's total annual income such that the household's basic rent to be charged, as calculated in accordance with Part 1 of Schedule B using the household's decreased total annual income, decreases by an amount equal to or greater than an amount established by the Minister.

(3) Where a management body that provides seniors self-contained housing accommodation referred to in section 9.1(1) has seniors self-contained housing accommodation that is suitable and adequate only for one individual, the management body may reduce the basic rent by an amount of not more than \$50 per month.

(4) The basic rent to be charged a household where one or more members of the household are in receipt of a social allowance or a grant from the Government of Alberta for full-time study in a basic foundation skills program must be determined in accordance with Part 2 of Schedule B.

(5) At no time may the basic rent charged a household be below the minimum basic rent prescribed in Part 1 or 2 of Schedule B, as the case may be.

(6) If a household includes a live-in aide, the rent prescribed under section 6.1 must be added to the basic rent set for and charged to the household under this section.

AR 244/94 6;408/94;219/95;202/98;136/2001;116/2004;
146/2017;207/2022

Rent for live-in aide

6.1 The rent to be charged a live-in aide is \$150 for each month.

AR 202/98 s4

Refund of rent

6.2 If a member of a senior household in housing accommodation who is 65 years of age or older moves to a hospital, continuing care

home or other facility as determined by the Minister and has paid a full month's basic rent, the management body must refund to that person a pro-rated portion of the basic rent for those days in the month that the person did not occupy the housing accommodation.

AR 261/2004 s3;22/2024

Additional costs

7(1) A management body providing any full services separately from social housing accommodation may

- (a) identify and charge a household separate costs for those services or facilities, and
- (b) reduce the basic rent set for and charged to a household under section 6, by an amount equal to those separate costs,

but the basic rent charged a household may not be reduced to an amount below the minimum basic rent prescribed in the applicable Part of Schedule B.

(2) Where a management body provides any services or facilities in addition to the full services, and identifies and charges a household separate costs for those services or facilities,

- (a) the basic rent set for and charged to a household under section 6 may be increased by an amount equal to those separate costs, or
- (b) those separate costs may be charged to the household as costs in addition to basic rent.

Part 3 Social Housing Accommodation

Interpretation

8(1) In this Part, "income thresholds for the municipality" means the household income limits prescribed by the Minister.

(2) For the purposes of this Part, a household is in core housing need if

- (a) it is unable to acquire or maintain adequate or suitable accommodation without paying more than 30% of its total annual income for accommodation, and
- (b) it has a total annual income below the income thresholds for the municipality where the social housing

accommodation applied for is located and for which the household makes application.

(2.1) Repealed AR 207/2022 s5.

(3) For the purposes of subsection (2)(a), accommodation is not suitable if

- (a) more than 2 persons must share a bedroom and there is at least one individual in each of the other bedrooms,
- (b) an individual, 18 years of age or older, must share a bedroom with another member of the household, unless the individual is the spouse or adult interdependent partner of that member, or
- (c) an individual, 5 years of age or older, must share a bedroom with an individual of the opposite sex.

AR 244/94 s8;219/95;154/2003;145/2017;146/2017;207/2022

Community Housing Accommodation

Community housing accommodation eligibility

9(1) In this section, “community housing accommodation” means social housing accommodation not otherwise provided for under this Part.

(2) A household is eligible for community housing accommodation if that household

- (a) is in core housing need,
- (b) has a total asset value of \$25 000 or less,
- (c) consists of Canadian citizens, individuals lawfully admitted into Canada for permanent residence, refugees sponsored by the Government of Canada, or individuals who have applied for refugee or immigration status and for whom private sponsorship has broken down, and
- (d) meets the residency requirements, if any, prescribed by the management body.

AR 244/94 s9;116/2004;146/2017;207/2022

Seniors Self-contained Housing Accommodation

Seniors self-contained housing accommodation eligibility

9.1(1) In this section, “seniors self-contained housing accommodation” means any type of housing accommodation, with

full services, intended to be used as a domicile by one or more senior households.

(2) A senior household is eligible for seniors self-contained housing accommodation if that household

- (a) is in core housing need,
- (b) is
 - (i) functionally independent, or
 - (ii) functionally independent with the assistance of existing community-based services,
- (c) consists of Canadian citizens, individuals lawfully admitted into Canada for permanent residence, refugees sponsored by the Government of Canada, or individuals who have applied for refugee or immigration status and for whom private sponsorship has broken down, and
- (d) meets the residency requirements, if any, prescribed by the management body.

AR 207/2022 s7

Seniors Lodge Accommodation

Lodge accommodation eligibility

10(1) A senior household is eligible for lodge accommodation if the senior household

- (a) consists of one or more individuals who
 - (i) are functionally independent, or
 - (ii) are functionally independent with the assistance of existing community-based services and would not otherwise be appropriately provided for in a health care facility,
- (b) consists of Canadian citizens, individuals lawfully admitted into Canada for permanent residence, refugees sponsored by the Government of Canada, or individuals who have applied for refugee or immigration status and for whom private sponsorship has broken down, and
- (c) meets the eligibility requirements, if any, of the management body.

(2) Repealed AR 238/96 s3.

AR 244/94 s10;408/94;238/96;116/2004;207/2022

Basic lodge rate – cottage unit

11 The monthly basic lodge rate for lodge accommodation in a cottage unit shall be determined and set by a management body at least annually.

AR 244/94 s11;408/94;265/2018

Refund of lodge rate

11.1 If a member of a senior household in lodge accommodation who is 65 years of age or older moves to a hospital, continuing care home or other facility as determined by the Minister and has paid a full month's lodge rate, the management body must refund to that person a pro-rated portion of the lodge rate for those days in the month that the person did not occupy the lodge accommodation.

AR 261/2004 s4;22/2024

Additional costs

12 In addition to the basic lodge rate referred to in section 33.1 of the Act and section 11 of this Regulation, a management body may impose a charge for any services or facilities provided to a senior household in addition to lodge accommodation.

AR 244/94 s12;408/94;116/2004;265/2018

Part 4 Expiry

Expiry

12.1 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on May 31, 2028.

AR 207/2022 s9

13 Repealed AR 207/2022 s10.

14 to 17 Repealed AR 145/2017 s4.

18 Repealed AR 116/2004 s14.

19 Repealed AR 145/2017 s5.

Schedule A

Priority of Need and Allocation of Housing

Part 1 Housing Need Point-Scoring Standards

- 1 For the purposes of determining the priority of need for social housing, excluding lodge accommodation, points are awarded in accordance with this Part.
- 2 The Minister may provide guidance and direction to management bodies on the evaluation of households and the awarding of points under any of the categories in this Part.
- 3 The following categories are to be evaluated for each household:

A Rent to Income

- (1) A total of 25 points are awarded on the basis of the proportion of rent to income.
- (2) The calculation to be used to determine the percentage of rent to income is as follows:

$$\frac{\text{Annual rent paid}}{\text{Total annual income of the household}} \times 100 = \% \text{ of Rent to Income}$$

- (3) Points are to be awarded in accordance with Table 1.

Table 1

% of Rent to Income	Points
>30% -39.99%	5
40% - 49.99%	10
50% - 59.99%	15
60% or more	25
Maximum	25

B Utility Responsibility

5 points are to be awarded if a household is responsible for utility costs in addition to rent.

C Health and Safety Risk

A maximum of 10 points may be awarded if the current accommodation of the household poses a health and safety risk, based on reasonable evidence provided by the applicants.

D Number of Dependants

(1) For the purposes of Table 2, a dependant includes a member of the household who is not self-supporting.

(2) Points are to be awarded in accordance with Table 2.

Table 2

Number of Dependants	Points
1-2	10
3 or more	20
Maximum	20

E Target Populations

If a member of a household is a member of a target population group identified by the Minister, who is able to live independently with community-based supports as needed, 10 points are to be awarded per population group, for a maximum of 20 points.

F Impacts to Personal Well-Being

A maximum of 10 points may be awarded if access to housing will positively impact the applicant on a social and economic level.

G Housing Operator Discretion

A maximum of 10 points may be awarded for any circumstances that warrant special consideration.

Part 2 Priority of Allocation

1 Households with the greatest number of points are considered in greatest need of housing accommodation and must be allocated housing accommodation on that basis.

2 Where any 2 households are awarded the same number of points, the household that applied first must be given priority.

AR 244/94 Sched.A;154/2003;146/2017

Schedule B

Part 1

Social Housing Accommodation Basic Rent Calculation Schedule

- 1 This Part applies to households that occupy social housing accommodation, excluding lodge accommodation.
- 2 For each household, the basic rent is 30% of its total annual income.
- 3 The minimum basic rent that may be set and charged a household per month is an amount equivalent to the maximum monthly core shelter payment that may be provided to a household unit consisting of one adult and no children under section 8(b)(ii) of the Schedule to the *Income and Employment Supports Act*.
- 4 The Minister may prescribe a maximum basic rent to be charged a household.

Part 2

Social Allowance Rental Rate Schedule

- 1 The basic rent to be charged a household occupying social housing accommodation, excluding lodge accommodation, where one or more members of the household are in receipt of a social allowance or a grant from the Government of Alberta for full-time study in a basic foundation skills program, is to be determined as follows:
 - (a) with respect to household members who are in receipt of a social allowance or a grant from the Government of Alberta for full-time study in a basic foundation skills program, an amount equivalent to the maximum monthly core shelter payment under section 8(b)(ii) of the Schedule to the *Income and Employment Supports Act*, and
 - (b) with respect to other household members, 30% of the household's total annual income, excluding the income from any household member referred to in clause (a).

2 to 4 Repealed AR 219/95 s5.

Table 1 Repealed AR 274/2022 s2.

AR 244/94 Sched.B;219/95;146/99;154/2003;146/2017;
207/2022;274/2022

Schedule C Repealed AR 219/95 s6.

Schedule D Repealed AR 265/2018 s6.

Schedule E Repealed AR 145/2017 s6.



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