

SKOWNAN FIRST NATION HOUSING POLICIES AND PROCEDURES

as adopted by Skownan First Nation Chief &
Council

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02/14/2011

SKOWNAN FIRST NATION HOUSING POLICIES AND PROCEDURES

1. Policy Objectives

- 1.1 To provide each family of the Skownan First Nation, living on First Nation, with adequate housing.
- 1.2 To establish a fair and impartial decision making process for the allocation of new and vacant houses and for the allocation of funds for renovations and repairs to existing houses.
- 1.3 To establish fair and impartial criteria to assist in the priority ranking of applicants for new and vacant housing and applicants seeking repairs or renovations to an existing house.
- 1.4 To establish procedures for the maintenance of complete records on all existing and future houses on the Skownan First Nation .
- 1.5 To establish rules and policies for housing occupation on the Skownan First Nation .

2. Application

- 2.1 These policies apply to:
 - a) all existing and future houses or dwellings located on the Skownan First Nation;
 - b) all housing programs of the First Nation, including construction, renovations, maintenance, and repair programs;
 - c) all individuals who own, rent, or have been allocated a house within the Skownan First Nation;
 - d) All individuals who have made or will make application for housing within the Skownan First Nation.
- 2.2 The Chief and Council shall mandate a HOUSING AUTHORITY be responsible for the application and interpretation of these policies and procedures.
- 2.3 These policies are for the express use and benefit of the Skownan First Nation and its members, and for no other individual, group or organization.
- 2.4 Only individuals who are Skownan First Nation members may make application under these Policies for housing, renovations, maintenance or repairs.

2.5 Only individuals who are Skownan First Nation members may appeal a decision made by the HOUSING AUTHORITY in accordance with these policies.

3. Accountability

3.1. The Chief and Council are accountable to the members of the Skownan First Nation for decisions made with respect to the housing program.

3.2. The Chief and Council shall make a copy of these policies available at the First Nation offices for the review of any First Nation member making such a request.

3.3. The Chief and Council shall provide First Nation members with an annual report each year, which summarizes the activities of the housing program. The annual report will exclude any information considered by the Chief and Council to be confidential. This report is to be prepared by the HOUSING AUTHORITY.

4. UNDER THE AUSPICES of a HOUSING AUTHORITY

4.1. The Chief and Council shall designate a HOUSING AUTHORITY to be responsible for the management and administration of the Skownan First Nation Housing Program. Limits and Parameters are set out in the following sections.

4.2. The HOUSING AUTHORITY shall supervise and manage any staff employed by the First Nation for the purpose of the Housing Program.

4.3. The HOUSING AUTHORITY shall manage and supervise any contractor or sub-contractor arrangements entered into by the First Nation in relation to the housing program.

4.4. The HOUSING AUTHORITY has the responsibility for developing and maintaining both annual and long term (5 year) housing plans.

4.5. The HOUSING AUTHORITY shall ensure that complete records are maintained with respect to all aspects of the Housing Program, including, but not limited to, housing construction, housing occupants, renovations, repairs, maintenance, housing applications and financial records.

4.6. The HOUSING AUTHORITY is to review and recommend changes to this policy for approval by Chief & Council.

- 4.7. An Account to be created at a banking Institution shall have ONE MEMBER of the HOUSING AUTHORITY and ANY ONE member of the COUNCIL as signing officers on that account.
- 4.8. The HOUSING AUTHORITY is to remember and keep in mind that the mandate given to it by Council is for the best interests of the Skownan First Nation membership and should not deviate or break away from that intent.

5. Appeals

- 5.1. Housing decisions of the HOUSING AUTHORITY may be appealed by any member or members of the First Nation affected by the decision.
- 5.2. The Chief and Council shall appoint an independent three person appeal board to deal with appeals of housing decisions.
- 5.3. An affected First Nation member(s) wishing to appeal a decision with regard to the Housing Program shall submit a written appeal to the HOUSING AUTHORITY within 10 days of the disputed decision.
- 5.4. The member/resident shall provide the written appeal to the HOUSING AUTHORITY.
- 5.5. The appellant First Nation member(s) shall clearly state the reason or reasons for their appeal and may not appeal if their only reason is dissatisfaction with the decision of the HOUSING AUTHORITY.
- 5.6. The HOUSING AUTHORITY may deny the appeal if they determine that the First Nation member has not provided sufficient reason for his or her appeal. Such denial by the HOUSING AUTHORITY shall be final and binding and not subject to further appeal.
- 5.7. If the HOUSING AUTHORITY does not reject the appeal for the reasons outlined in 5.6 herein they shall forward the appeal to the Chief and Council for reconsideration and the following conditions shall apply:
 - (a) The Chief and Council will undertake a review of its decision.
 - (b) In the course of its review, the Chief and Council may meet with the appealing First Nation member in order to provide the appealing First Nation member with an opportunity to explain his or her position fully.
 - (c) The Chief and Council will reply to the appeal no later than one month from the date upon which it was received.

(d) The Chief and Council will advise the Appeal Board of the results of their review and the Appeal Board will either approve the results of the review or recommend a change in the decision of the Chief and Council. The recommendations of the Appeal Board will be submitted to the Chief and Council for action.

(e) The recommendations of the Appeal Board are not subject to further appeal, they shall be binding and final.

6. Siting

6.1. The First Nation's community plan, land use policies and any existing zoning by-laws shall set the general framework for the siting of new or relocated housing units.

6.2. Within the context of item 6.1 above, the siting preference of an approved applicant will be accommodated wherever possible.

6.3. All new houses must be built within 70 feet of the main waterline, main power lines and main roads.

6.4. All housing lots must be a minimum of 2,500 square feet.

6.5. Any approved First Nation member applicant who wishes to have the new house sited anywhere other than as described in item 6.3 must pay the additional costs associated with such a siting and must first have the site approved by the Chief and Council.

7. Services and Utilities

7.1. Each newly constructed house shall be fully serviced and offer the necessary water, sewer, heating, and electrical amenities.

7.2. All services installed by virtue of item 7.1 above shall meet minimum safety and quality standards as described in herein.

7.3. All service charges for utilities (including electricity, telephone, heating fuel, water and sewer); or any other common service that is now, or may be, provided is the responsibility of the Householder.

7.4. The First Nation shall provide any necessary repairs to service and utility systems which are under the control of the First Nation, provided the householder has not caused the failure due to neglect (e.g. interior water line freezing), willful damage, or public mischief. In such cases where the repairs are necessary as a result of the neglect, willful damage or public mischief of the

householder, the householder will be responsible for the repair/replacement costs.

- 7.5. Householders are responsible for fencing, landscaping and property maintenance on the property they own or have been allocated.

8. Housing Allocation

In accordance with its obligations, the federal government provides funding for housing on First Nation. However, the funding which is provided by the federal government to the Skownan First Nation for housing is somewhat adequate currently, and hence the inapplicability of a full scale rental regime. The rates for rent or maintenance fees may be adjusted by Council as deemed necessary; particularly when pressures on current housing funds warrant it so.

While the Skownan First Nation continues to pursue the federal government for additional housing resources, the reality remains that the First Nation must continue to administer a housing program for its members with the limited funding it receives from the federal government.

In recognition of the limited funding received by the First Nation and the need for management, the following housing allocation system shall apply:

- 8.1. First Nation members may apply for a house by submitting a completed housing application, in the form attached hereto as Schedule 1, to the Chief and Council.
- 8.2. First Nation members may not be listed on more than one housing application.
- 8.3. First Nation members who make application for housing and include individuals on their application who do not validly reside with them, or otherwise falsify information on their housing application, may be removed from the Housing Allocation Priority List for a period of time to be determined by the Chief and Council.
- 8.4. First Nation members are responsible for the updating of their housing application each year, prior to January 1, or as their circumstances change.
- 8.5. The Chief and Council shall prepare a Housing Allocation Priority List of applicants based on the housing allocation criteria set out herein.
- 8.6. The Housing Allocation List shall be updated and revised by the Chief and Council annually.

- 8.7. Applicants may choose to use the appeal provisions contained herein to contest their placement on, or exclusion from, the Housing Allocation Priority List.
- 8.8. The following priorities will apply with respect to housing allocation:
- (a) 1st: newly wed couples and married couples;
 - (b) 2nd: common law couples with children;
 - (c) 3rd: single individuals with children;
 - (d) 4th: disabled individuals or elders;
 - (e) 5th: single individuals and common law couples without children..
- 8.9. The following factors, which are listed in no order of priority, will be considered when placing applicants on the Housing Allocation Priority List and when allocating houses:
- (a) number of children who are members of the Skownan First Nation;
 - (b) total number of individuals in the “family” (including all individuals who will be residing in the home);
 - (c) number of consecutive years of residency on the First Nation;
 - (d) length of time on waiting list;
 - (e) condition of present residence;
 - (f) whether the “family” includes any elders or handicapped individuals;
 - (g) whether the applicant currently resides off First Nation but wishes to return to the First Nation;
 - (h) whether the applicant’s current residence is over-crowded (occupied by more than eight individuals);
 - (i) whether the applicant has been allocated band housing in the past and if so, how recently.
- 8.10. All houses vacated because a new band house was allocated to the residing householder are returned to the First Nation and are not subject to the opinions or decisions of the former householder. The Chief and Council shall

make decisions on renovations to, destruction of, or future allocation of houses so vacated based upon the criteria contained in this Policy document.

- 8.11. All houses which are subject to a mortgage and which are also subject to a ministerial guarantee securing the mortgage become band houses upon default under the terms of the mortgage. The Chief and Council shall make decisions on renovations to, destruction of, or future allocation of such houses based upon the criteria contained in this Policy document.

9.0 Divorce and Separation

- 9.1 Where a couple who is residing in a band house separates or divorces, regardless if only one of them is a member of the First Nation, the individual awarded the home as per the Matrimonial Act will be provided with the right to reside in the house.
- 9.2 Where a couple who is residing in a band house separates or divorces, and both individuals are members of the First Nation, the Council will decide which of the two First Nation members will be provided with the right to reside in the house. The Council's decision will be based on individual ratings as determined by the priority ranking criteria set forth herein. If the couple has children, priority will automatically go to the parent or guardian with legal or de facto custody.
- 9.3 Where the custodial parent or guardian is not a First Nation member, but the child or children are First Nation members, the custodial parent/guardian may be granted exclusive possession of the band house for whatever period of time the Council deems appropriate.
- 9.4 Where a custodial parent or guardian, who is a non-member, and who was granted possession of a band house in accordance with 9.1 or 9.3 above, marries or begins to cohabit with a non-member in said band house, it is within the discretion of the Council to:
- (a) demand that the custodial parent/guardian vacate the band house;
 - (b) impose rent or maintenance fee on the non-custodial parent/guardian for the use of the band house, at a rate determined by Council.

10.0 New and Previously Occupied Houses

- 10.1 Applicants will be offered new or previously occupied houses as the houses become available, in accordance with their ranking on the Housing Allocation Priority List.
- 10.2 Applicants will have the option to refuse a previously occupied house and maintain their ranking on the Housing Allocation Priority List.

- 10.3 First Nation Member Applicants accepting a previously occupied house will be removed from the Housing Allocation Priority List and will not be permitted to make application for housing for a minimum of 3 years.
- 10.4 First Nation Member Applicants accepting a new house will be removed from the Housing Allocation Priority List and will not be permitted to make application for housing for a minimum of 15 years.

11.0 Repairs and Renovations

- 11.1 The First Nation shall maintain a "Repair and Renovation" program within the limits of the resources available to the First Nation. In recognition of the funding shortage and the need for management, the following system shall apply.
- 11.2 The Chief and Council shall develop and maintain an annual and five-year plan in respect of the maintenance, repair and renovation of housing and infrastructure.
- 11.3 Occupants or householders may request maintenance, repair, replacement, or renovation services by applying in writing to the Chief and Council. The Chief and Council will incorporate these applications into a Repair/Renovation Priority List based on the criteria set out herein.
- 11.4 The Repair/Renovation Priority List shall be updated annually by the Chief and Council.
- 11.5 Once a householder receives a major renovation on their Band House they will not be eligible to be included on the Housing Allocation Priority List for 10 years.
- 11.6 Minor repairs and day to day maintenance are the responsibility of the householder.
- 11.7 The First Nation will cover the cost of the following "Emergency Minor Repairs", where the funds are available:
- (a) Freezing pipes, where it is determined that it was not caused by the neglect of the householder, and not more than once per year;
 - (b) Leaky roofs;
 - (c) Electrical appliance repair, provided only to Elders, handicapped and those receiving social assistance if it is determined the appliance is necessary and can be repaired to a safe operating level;
 - (d) Fumigation, upon the approved recommendation of the appropriate authorities;
 - (e) Septic Cleaning, not more than once every 2 years;
 - (f) Furnace repairs;
 - (g) Electrical wiring;
 - (h) Chimney cleaning, not more than once per year.

11.8 The First Nation's coverage of "Emergency Minor Repairs" excludes the following items:

- (a) broken windows;
- (b) broken doors and broken locks;
- (c) repairs that are required as a result of lack of care, negligence or intentional abuse.

11.9 In order for an individual to be eligible for "Emergency Minor Repairs" they must:

- (a) make application to the Chief and Council,
- (b) show that the required repairs are a health, safety or fire hazard with the recommendation of the appropriate authorities, and
- (c) receive prior approval from the Chief and Council before any work is commenced.

11.10 Elders and handicapped householders are considered a priority for the "Emergency Minor Repairs" program.

11.11 The occupant householder is responsible for any necessary maintenance or repair to the house or services resulting from vandalism, abuse or neglect by the occupant homeowner, their relatives or guests (and the cost of such repair) including, but not limited to, the following items:

- (a) Doors, door-jambs, windows, sills;
- (b) Wall paint and painting (interior and exterior);
- (c) Electrical switches, fixtures, bulbs;
- (d) Damages to walls, ceiling, floors;
- (e) Damage to smoke detectors, carbon monoxide detectors or fire safety equipment;
- (f) Damage caused by vehicles or machinery;
- (g) Any other damage to any part of the house or its services determined by the Chief and Council to be caused by abuse, neglect, or vandalism, which was preventable by the occupant.

11.12 The First Nation shall, wherever financially possible, be responsible for the cost of repairs and renovations in relation to the following items:

- (a) Furnace/heating system, unless section 11.11 herein applies;
- (b) Sewer/water systems and septic tanks, unless section 11.11 herein applies;
- (c) Electrical wiring, installations, and hook-ups, unless section 11.11 herein applies;
- (d) Structural problems with foundations, roofs, or walls;
- (e) Deterioration caused by normal wear and tear. Normal wear and tear does not include the situations contained in section 11.11 herein;
- (f) Damage or problems directly related to improper construction, materials, or workmanship;

- (g) Damage caused by natural disasters, such as: lightning, flood, tornado, etc.

11.13 The Chief and Council shall use the criteria and ranking system set out in sections 8.8 and 8.9 when determining the priority list for repairs and renovations, within the context of its annual and five-year plans.

11.14 The First Nation will not accept responsibility for any repairs or renovations that are undertaken without the prior approval of the Chief and Council.

12.0 **Ownership**

12.1 All houses built and financed by the First Nation located on general band lands, are the property of the First Nation (referred to as a “band house”).

12.2 Since the First Nation collectively, on behalf of all First Nation members, owns all First Nation lands. This means that the land/yard/lot on which the houses are sited remains the property of the First Nation, with the exception of land which is the subject of a Certificate of Possession. Certificate of Possession lands are held by individual members of the First Nation with individual rights of possession.

12.2 A house will be considered privately owned when an individual contributes financial resources towards the completion of a house, in excess of the First Nation contribution.

12.3 All individual's allocated a band house will be required to sign a Band House Lease Agreement, in the form attached hereto as Schedule 2, prior to occupying the band house.

12.4 A householders will be subject to the terms of the Band House Lease Agreement.

12.5 First Nation members who are allocated a house and a lot become occupants and are provided with the right of residency and usage. The First Nation member is not provided with ownership when they are allocated a band house.

12.6 A householder cannot sell or rent their allocated band house or any part thereof, without the prior written consent of the Chief and Council.

12.7 Any change of possession/occupancy of a band house must be approved by the Chief and Council and all individuals who are seeking First Nation Housing are required to submit an application for housing in the proper form.

- 12.8 Any individual constructing, purchasing, or being given a privately owned house shall be provided with a copy of these policies by the Chief and Council as there are sections which do apply to privately owned houses.
- 12.9 Any improvements done to a band house, or fixtures added to a band house, by an occupying householder become the property of the First Nation and may not be removed from the band house if the occupying householder vacates the home.
- 12.10 The First Nation First Nations the right to serve as general "developer" of the Skownan First Nation. In this regard, the First Nation may, from time to time, initiate alternate financing systems which may provide for options on the ownership of houses.

13.0 Vacant/Abandoned Houses

- 13.1 Anyone who occupies a band house without the prior approval of the Chief and Council will be evicted from the band house and shall be prohibited from making application for housing for a period of three years and may be subject to criminal and/or civil penalties.
- 13.2 All band houses which have been declared as vacant or abandoned by the Chief and Council shall become available for allocation to an applicant First Nation member on the Housing Allocation Priority List.
- 13.3 A band house shall be declared as "vacated" or "abandoned" when the occupant or householder has not lived in or used the house for 7 days, or more, in a row and the occupant or householder has not notified the Chief and Council of an acceptable reason for vacating the band house.
- 13.4 In cases where a house is privately owned (not a band house) and the owner vacates the house, the owner is responsible for the safety, care, and security of the house. For the purpose of the public safety, the owner should notify the Chief and Council if the house is to be vacant for an extended period of time.
- 13.5 The First Nation is not responsible for damage to band, or private, houses which are left vacant for extended periods of time, without notice to the Chief and Council.

14.0 Eviction

- 14.1 The First Nation owns all band houses. The First Nation remains responsible and accountable for the proper use and maintenance of the First Nation's housing assets. The First Nation therefore First Nations the right to evict a householder or occupant.

14.2 The following will be deemed to be "just cause" for the eviction of a band house occupant:

- (a) Regular and serious damage to, or abuse of, the band house, including serious neglect of the maintenance and repair of the band house;
- (b) Refusal by the occupant to pay service charges or other such fees as set by the First Nation;
- (c) Repeated abandonment of the house;
- (d) Repeated cases of criminal activity within the house.

14.3 The Chief and Council may serve an Eviction Notice to the band house occupant or householder upon a determination that just cause for eviction does exist. This notice shall be in the form attached hereto as Schedule "3" and shall provide, at minimum, thirty (30) days notice to vacate the band house, unless the Chief and Council determine that immediate eviction is required to protect the house from serious damage or destruction or First Nation members from immediate risk of injury.

15.0 Standards

15.1 The Skownan First Nation First Nations the right to develop and apply standards for design, construction, maintenance, health and safety with regard to band housing.

15.2 The following shall serve as a "minimum standards guide" unless formerly amended or superseded by Skownan First Nation by-laws:

- (a) The National Building Code of Canada (latest edition);
- (b) Supplement to the National Building Code of Canada (latest edition);
- (c) Building Standards for the Handicapped (Supplement to the National Building Code - latest edition);
- (d) National Fire Code of Canada(latest edition);
- (e) Measures for Energy Conservation in New Buildings (E.M.R. - latest edition);
- (f) Canadian Standards Association;
- (g) Environment Canada standards for waste water/sewage;
- (h) Dominion Fire Code;
- (i) Canada Drinking Water Standards and Objectives (M.S.B. - latest edition);
- (j) Glossary of House Building Terms (C.M.H.C. - latest edition);
- (k) Illuminating Engineering Society Standards;
- (l) E.M.R. energy conservation measures and policies;
- (m) Building insulation and infiltration levels at a standard equal to or better than that required by code or regulation;
- (n) Architectural or engineering designs should be compatible with local cultural or community expectations, local expertise

relative to the standards, and the socio-economic realities of the community;

- (o) Utilization of local labour and tradespersons where available;
- (p) Clear and formal definition of life-cycle maintenance requirements and of the related requirements for adequate maintenance management;
- (q) Adequate foundations;
- (r) The provision of basic amenities;
- (s) The assurance of regular monitoring and inspections by all inspectors including Skownan First Nation inspectors, C.M.H.C. inspectors, Health inspectors, Environment inspectors, etc.

15.3 Rent or Service Charges The First Nation owns all band houses, infrastructure, and utility systems. The First Nation is responsible for maintenance, repairs and renovations of band houses. Therefore, the Chief and Council may determine that it is necessary to apply rent, maintenance fees, or service charges from time to time as dictated by circumstance.

15.4 Band houses and the services and utilities provided to the occupant or householder may be subject to such maintenance fees or service charges as may be set from time to time by the Chief and Council. Such fees or service charges shall be identified in writing, delivered to the occupant or householder, and publicly posted by the Chief and Council

15.5 The First Nation may charge rent or maintenance fees for apartments or any other special housing development owned and managed by the First Nation. The Chief and Council shall provide personal and public notification of such rental fees.

16.0 Insurance

16.1 Where the necessary funding is available the First Nation shall insure all First Nation owned houses and dwellings. Occupants shall be notified as to the status of insurance on the house they are occupying. Where the First Nation is unable to insure a house the householder will have the opportunity to, and will be encouraged to, purchase house insurance coverage themselves. In such a case the First Nation will be named as beneficiary but the householder will be guaranteed the benefit of any repairs, renovations or re-building of the Band House.

16.2 Householders will be encouraged by the First Nation to purchase, where possible, contents insurance for their personal possessions contained in the Band House.

16.3 The First Nation may determine from time to time such policies and systems which would provide for the occupant or householder to participate in the insurance scheme for the house, dwelling, or infrastructure and utilities.

16.4 The First Nation shall be designated as the beneficiary under any band house insurance policy and any insurance payments with regard to such policies shall be directed to the First Nation.

16.5 With privately owned houses the householder, not the First Nation, shall be responsible for insuring the property and shall be the beneficiary under any insurance policy.

17.0 Effective Date and Amendments

17.1 The Chief and Council have duly authorized these Skownan First Nation Housing Policies and Procedures by Band Council Resolution.

17.2 These Skownan First Nation Housing Policies and Procedures are effective as of the 15th day of February 2011, and shall continue to be valid and in force until such time as they are formally amended in accordance with the amendment procedure outlined herein.

17.3 The Skownan First Nation Housing Policies and Procedures or any sub-item thereof may be altered, added to, or amended at any time by the Chief and Council by Band Council Resolution.

17.4 The Chief and Council shall ensure public notification of any and all amendments to this document.

SCHEDULE 1

Application for Housing

Skownan First Nation

Name of Applicant First Nation Member: _____

Names, ages, and relationship of all individuals currently residing with First Nation Member Applicant and whether they are members of the Skownan First Nation under the Skownan First nation Membership Code:

Current residence of First Nation Member Applicant: _____

*If this is your first application please answer the remaining questions, if this is not your first application just sign and return.

Elders residing with the applicant: _____

Disabled individuals residing with the applicant
(physically/mentally): _____

Have you been allocated new band housing in the past? If so
when?: _____

Have you been allocated previously lived in band housing in the past? If so
when?: _____

Other
comments: _____

Signature _____

Date _____

Schedule 2

Skownan First Nation

Housing Agreement

Between: Skownan First Nation

And: Occupant: _____
Address: _____

Band House Address: _____

List of individuals who reside with the Occupant

It is hereby agreed and understood that I have been allocated a Band House subject to the following terms and conditions:

- a. That I will pay to the Skownan First Nation the sum of \$ 00.00 as a non-refundable damage deposit prior to my occupancy of the Band House.
- b. That I will pay for all light and power accounts and that all accounts will be paid up to date.
- c. That I will pay for all heating costs.
- d. That I will be responsible for the payment of any telephone installation charges and monthly billing.
- e. That I will maintain these premises in a good, clean, livable condition and that the house will be left in a clean, livable condition upon vacating.

f. That I will not place, or allow to be placed any old scrap, cars, etc. on the grounds surrounding the band house.

g. That I am not permitted to allocate the band house to another individual.

h. That I will inform the Chief and Council at least thirty days prior to the date I intend to vacate the band house.

i. That I will repair, without cost to the First Nation, any broken windows, broken doors, locks, etc. that are a result of my actions or neglect.

j. That I understand that I am subject to the provisions contained in the Skownan First Nation Housing Policies.

k. That I will not permit any individual, other than those listed above to reside with me in the band house without the prior consent of the Chief and Council.

Date: _____

witness (Please print))

Occupant (signature):

)

:_____)

)

witness (signature))

)

:_____)

Schedule "3"

EVICTON NOTICE
SKOWNAN FIRST NATION

To: _____

From: The Skownan First Nation

Date: _____

Date Band House must be vacated: _____

Reasons for Eviction: _____

Date _____

Chief

Councillor

Councillor