METLAKATLA FIRST NATION

HOUSING POLICY



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METLAKATLA HOUSING POLICY - POLICIES AND PROCEDURES

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DEFINITIONS

Actual CostValue (ACV) shall mean the replacement cost minus any depreciation (ACV = replacement cost - depreciation). It represents the dollar amount you could expect to receive for your home if you sold it in the marketplace. Depreciation is determined based on a combination of objective criteria (using a formula that takes into account the category and age of the property) and subjective assessment (the insurance adjuster's visual observations of the property or a photograph of it).

Governing Council/Council shall mean those persons duly elected to politically represent Metlakatla.

Band Owned Housing shall mean any residence owned by Metlakatla that is available for rental purposes to a Metlakatla member.

Certificate of Possession (CP) shall mean a legally surveyed lot that is registered with Indian & Northern Affairs Canada.

Conflict of Interest shall mean a situation where a person is involved in making a decision whereby that person or a family member or acquaintance would benefit from the decision.

Physical Challenged shall mean a person whose individual ability to perform activities within a standard function range is impaired.

Emergency Situation shall mean a situation which is so urgent that it may threaten the health and safety of the residents of the home.

Subsidy shall mean any funds allocated to a person to assist with the construction of a new home or the renovations to an existing home on Metlakatla land.

Housing Committee shall refer to persons representing Metlakatla in accordance with these policies.

Housing Co-ordinator shall mean a person retained by Metlakatla to provide administrative support to the Housing Committee.

Metlakatla shall mean a person or a collective of persons that are members of the Metlakatla First Nation.

MFN shall mean Metlakatla First Nation.

Inspection shall mean a necessary inspection by an appointed professional, to ensure minimum building standards are in place during construction or repairs.

Person shall mean a registered Metlakatla member.

Renovations shall mean the necessary replacement of existing components within the home that have deteriorated due to normal use and life of the structure but do not include cosmetic or luxury improvements.

1. INTRODUCTION

This is the Metlakatla First Nation Housing Policy which the Governing Council has developed to naintain an efficient and proactive housing program to serve our members.

Mission Statement

The Metlakatla First Nation recognises the importance of housing to the quality of life and health of our nembers. This housing policy guides decision making as well as the construction of new houses and the enovation of our existing housing stock. Housing funds will be allocated in a fair and equitable manner.

Policy Organization

The Metlakatla First Nation recognises the importance of having an up to date, relevant housing policy to guide housing decisions and the day to day operations of our housing program. The policy includes goals and procedures for the following:

- Governance
- Eligibility
- Housing Standards
- Band Owned
- Tenancy Regulations
- Sale of Band-owned units
- Housing Payment
- Renovations
- Homes Destroyed by Fire
- Dispute Resolution
- Review and Amendment of this Policy

When adopted, the 2010 Metlakatla Housing Policy will apply to all Metlakatla homes.

2. GOVERNANCE

This section provides an overview of how housing decisions are made as well as describing the roles and responsibilities of the Governing Council and staff.

How Decisions are Made

All applications for houses and renovations will be sent to the Housing Coordinator, using the Metlakatla First Nation Housing Application Form. The Housing Coordinator will assess the application according to the Housing Policy and place the household on the appropriate waiting list. At least once per year (or more if resources permit), the Housing Coordinator will provide the Housing Committee with a list of households, in each category, eligible for a home.

The Housing Committee will meet to consider the list and will forward recommendations to the Governing Council. When the number of applicants in a given year exceeds available resources, the Committee will decide who should receive funding with reasons for the decisions based on the Housing Policy.

The Council will review the Housing Committee's recommendations. If the recommendations are accepted, resources will be allocated to the successful applicants' homes. If the recommendations are not accepted, Council will send the file back to the Committee with an explanation of their decision. Decisions about who gets housing resources are ultimately made by the Council.

Governing Council

- makes appointments to the Housing Committee.
- approves the recommendations of the Housing Committee.
- is not involved in the day to day operations of the Housing Department.
- can change the policy or give relief or exception to the Policy.

Executive Director

- is responsible for implementation of the Metlakatla Housing Policy.
- is responsible for the overall administration of the Housing Policy, including reviewing the draft Annual Housing Department budget.

Housing Committee

- makes recommendations to the Governing Council, and guides and advises the Housing Coordinator in matters delegated by Council.
 - consists of up to five Metlakatla Band members, at least one of whom will be a Governing Council member, and are appointed by resolution of the Governing Council and will co-inside with the term of the Govening Council. A quorum of the Housing Committee shall be three members.
- confidentiality must be maintained by all members of the committee.
 - are appointed for a three year term commencing from the date of appointment, unless the member is replaced or reappointed, or the Committee is dissolved.
 - are given an honorarium for their services. The amount will be determined by the Governing Council.
 - are expected to attend all meetings. Any members absent for more than two meetings without a valid excuse may be dismissed by Council.

Housing Coordinator

- reports directly to the Executive Director.
- works with the Housing Committee to provide recommendations for Council consideration.
- prepares a draft Annual Housing Department Budget.
- is the first point of contact for Members.
- is responsible for the day to day management of Tenant Case Files, including tracking all expenditures and revenues against the approved budget for each house.
- provides administrative support to the Housing Committee and oversees all contracted housing related work.

3. POLICY: ELIGIBILITY

The MetlakatlaGoverning Council supports the development of housing requirements for Metlakatla members living on-Reserve.

SCOPE:

- Any Metlakatla First Nation member, 19 year of age and older, may apply for any Metlakatla Housing Program.
- Metlakatla First Nation members who are assigned a "band-owned rental unit" shall in return transfer their CP lot/house to Metlakatla First Nation.

PROCEDURE:

 Restrictions and legal requirements specify that only Metlakatla First Nation Members can apply for housing located on a Reserve.

PROCESS:

 Metlakatla First Nation members interested in applying for band owed rental unit should contact the Housing Coordinator.

4. POLICY: HOUSING STANDARDS

All Metlakatla homes will be required to meet applicable national, provincial and Metlakatla standards (to be developed) for home construction and renovation on Metlakatla lands.

SCOPE:

- To ensure that all Metlakatla First Nation homes are built and renovated to the highest standards.
- To ensure that all Metlakatla First Nation homes are maintained to extend their functionality and life expectancy.
- To ensure that all Metlakatla First Nation homes carry appropriate levels of insurance.

PROCEDURE:

- The Metlakatla First Nation reserves the right to develop and apply standards for the design, construction, maintenance and renovation of MFN housing.
- The following are the minimum standards unless formally amended or superceded by the Metlakatla First Nation:
 - a) BC Building Code (latest addition)
 - b) Metlakatla Housing Standards
- The Metlakatla First Nation will provide Home Maintenance Manuals to all tenants and homeowners which list required home maintenance tasks.
- Insurance coverage is the responsibilities of the owner of the unit for their personal belongings. The Governing Council will pay the insurance on homes they have an interest in.

PROCESS:

- The Housing Coordinator must review home designs, specifications and renovation plans to ensure that the meet these minimum standards.
- All homes will be inspected during and after construction to ensure that they meet the Building Code and applicable Metlakatla standards.
- The Housing Coordinator will facilitate home maintenance workshops to support tenants to undertake home maintenance.
- Homeowners whose homes that do not pass the inspection will be required to undertake necessary additional work at their own cost.

9. POLICY: BAND OWNED HOUSING

The MetlakatlaGoverning Council supports the provision of providing homes for Metlakatla First Nation members with limited incomes, including those receiving Social Assistance.

COPE:

• The Metlakatla First Nation will provide band-owned housing units for members who are unable to access home ownership programs.

FROCEDURE:

Housing priorities will be determined based on the number of points an application is assigned. The points are as follows:

	Points		
Waiting Time			
Received This Year	5		
 Waiting 1 to 4 Years 	10		
 Waiting 5 Years or More 	15		
Household Type			
Family with children	15		
Single Parent Family	15		
• Elder	15		
Physical Challenged	15		
• Couple	10		
• Single	5		
 For Homeless Households add 	5		
Household Size			
 Overcrowded (more than 2 people/bedroom) 	15		
 Overcrowded (2 people/bedroom) 	10		
House Condition			
• Condemned	20		
Emergency			
House Uninhabitable	25		
Discretionary	Up to 15 ¹		

Housing Priority Examples:

<u>Family Made Homeless As House Uninhabitable:</u> 5 Waiting Points, 20 Household Type Points, 25 Emergency Points and Discretionary = 50 points

<u>Overcrowded Family:</u> 10 Waiting Points, 15 Household Type Points, 10 Household Size Points and 5 Discretionary = 40 points

Single Person: 5 waiting points and 5 household type points = 10 points

¹ Discretionary points will be allocated by the Housing Committee. They will be used in cases where the points given a particular applicant do not adequately reflect their housing need, e.g., a situation where a family's health is in jeopardy due to the substandard condition of their home.

PROCESS:

Application/Waiting List:

- The Housing Co-ordinator shall require a written application to determine eligibility prior to being placed on the waiting list for the Band owned housing program.
- The Housing Co-ordinator will notify the applicant in writing if he/she is determined to be eligible for new housing and let them know the priority their application has.
- The Metlakatla First Nation will maintain a waiting list for the Band owned housing program which will be updated at least annually.
- Applicants are responsible for keeping their information up to date.

Construction:

 All homes must be constructed to meet the most current BC Building Code and Metlakatla Housing Standards. All homes will be inspected to ensure that they meet the Building Code and applicable specifications. The First Nation Council will pay the inspection costs for this.

General:

- Residents of Band-owned housing may not sub-let or rent their homes.
 They must notify the Housing Coordinator if they decide to leave the premises.
- Home based businesses are permitted provided that the Housing Coordinator has provided written approval to undertake the business at the home.
- In the event of a relationship breakdown, the custodial parent (of all minor Metlakatla children) will remain in the family home. All efforts will be made by the First Nation to re-house the non-custodial parent.
- The Housing Co-ordinator will provide an annual account update to members living in Band owned housing units.
- In the event that the tenant is deceased or moves out, the unit will revert back to the Metlakatla First Nation to be re-allocated.

7. POLICY: TENANCY REGULATIONS

The MetlakatlaGoverning Council will enforce the following regulations for all rental housing.

SCOPE:

 Our tenant and landlord rights and responsibilities will be based on the BC Regulations in the Residential Tenancy Act.

PROCEDURE:

Beginning of the Tenancy

1. Tenancy Agreement

- A tenancy agreement must be made in writing.
- A copy of the agreement will be given to the tenant within 21 days of entering into the agreement.
- Changes to the tenancy agreement can only be made by mutual consent and should be documented in writing.
- Tenants under no circumstances may remove any property belonging to Metlakatla First Nation for personal gain or benefit. (This includes all appliances, rugs, lighting fixtures etc.).
- Prior to taking on any renovations or alternatives or alterations to any band-owned unit, the tenant must receive approval from the Housing Coordinator, the Housing Committee and or the Governing Council, and provide this written information to the Housing Coordinator prior to the start of work. (Any work/renovations on any band-owned unit is not done in lieu of rental payments, unless authorized by the Housing Coordinator or the Housing Committee or the Governing Council).

2. Security and Pet Damage Deposits

- Neither the security deposit nor the pet damage deposit can be more than one half of a month's rent.
- The landlord can only ask for one pet damage deposit no matter how many pets are allowed.
- A pet damage deposit can be requested if written permission to have a pet is given after the start of the tenancy.

3. Moving In Condition Inspection

- The landlord and tenant must do a condition inspection together before the tenant moves in or when a pet is allowed during the term of a tenancy.
- The must both sign a condition inspection report listing all damages that exist when the tenant moves in.
- The report will be used as a reference if a claim for damage is made at the end of the tenancy.
- The landlord must give a copy of the condition inspection report to the tenant.

 The landlord must provide clean premises with appliances in good working order at the time the tenant moves in.

4. Safety:

- If requested by the tenant, the landlord must change the locks when a tenancy starts.
- The landlord must provide the tenant with a 24 hour emergency contact name and phone number.
- The landlord and the tenant must not change the locks during the tenancy unless they both agree in writing or have an Order to do so.

During of the Tenancy

1. Rent

- The tenant must pay the rent on or before the day it is due.
- The landlord can give notice for non-payment of rent on any day after rent is due.
- The tenant cannot use the security of pet damage deposits as rent unless the landlord agrees in writing.
- The landlord must issue a notice of rent increase three rental periods prior to the rent increase taking place. The landlord must use the "Notice or Rent Increase" approved form and may only raise the rent once in any 12 month period.

2. Maintenance

- The landlord must keep the rental unit in a condition of repair that complies with health, housing, and safety standards and do emergency repairs without delay.
- The tenant must keep the rental unit clean and sanitary and repair any damages caused by them, or a guest.
- The tenant should inform the landlord in writing of needed repairs, and contact the landlord without delay for emergency repairs.

3. Entering the Unit

- The landlord must provide written notice to enter the rental unit unless the tenant agrees to a verbal request.
- The written notice for entry must be at least 24 hours and not more than 30 days before the time of entry.
- If proper notice is given or in the event of an emergency, the landlord may enter the rental unit whether or not the tenant is present.

4. Quiet Enjoyment

- The landlord is responsible for ensuring that the tenant has quiet enjoyment of the rental unit.
- The tenant and guests must not interfere with or unreasonably disturb another occupant, neighbours, or the landlord.

Ending the Tenancy

1. Notices

- Verbal notice is not enforceable. The tenant must provide written notice to end the tenancy before the day the rent is due.
- The landlord must provide written notice using an approved form to end the tenancy.
- The landlord can use the following notices as appropriate:
 - Notice for unpaid rent or utilities
 - One month notice for cause. A list of causes can be found on the notice.
 - Two-month notice for landlord's use of property. This applies when the landlord plans to move in, do major repairs, convert the unit or has sold the property and the new owner, or a close family member intends to live in the rental unit. The tenant must be compensated to an amount equal to one month's rent on or before the last day of the tenancy.

2. Moving Out Condition Inspection

 The landlord and tenant must do a move-out condition inspection at the end of the tenancy, when the rental unit is vacant.

3. Return of Deposits

- Within 15 days from the end of the tenancy or receiving the tenant's forwarding address in writing, whichever is the later, the landlord must:
 - a) Return the deposit(s) or
 - b) Apply for dispute resolution to keep all or part of the deposit(s) or
 - c) Get the tenant's written consent to keep all or part of the deposit(s).
- The tenant must provide a forwarding address in writing before the landlord has an obligation to return the deposit.

4. Outstanding Rental Payments.

• Tenants who we back rent payments shall pay these outstanding amount prior to being offered a band-owned rental unit.

PROCESS:

- All Metlakatla members in rental housing will be required to sign the Metlakatla Tenancy Agreement.
- The Housing Coordinator will review the Agreement and tenant rights and responsibilities in detail before the Agreement is signed.
- The Tenancy Agreement is in effect unless amended by the mutual agreement of both parties or, alternatively, when the tenancy is ended.

POLICY: SALE OF BAND OWNED UNIT

The Metlakatla Governing Council supports the provision of home ownership apportunities on Metlakatla lands for members.

SCOPE:

- The Housing Committee will assess the condition of the unit and determine the sale price of the unit based on Actual Cost Value.
- The Housing Committee will make recommends regarding the sale of a house to the Governing Council for approval.
- The Governing Council will approve the sale of the Band owned unit to a qualified home buyer.

PROCEDURE:

- The Housing Committee will use an Actual Cost Value Assessment (ACV) to determine the sale price of each house.
- The ACV assessment includes the condition (as determined by an inspection report) and age of the house, the number of repairs, the location and the number of people living in the home.
- The Housing Committee will make recommendations to the Governing Council for approval of the sale of a band-owned unit.
- The potential home owner will provide a certified cheque for the purchase of the house to the Executive Director who will deposit the cheque in the general account of the Band.
- The Executive Director will action the transfer of the house and lot to the home owner.

PROCESS:

Application/Waiting List:

Applications who want to purchase a band owned unit must submit a
written request. The Housing Co-ordinator will notify the applicant if
it is accepted by motion of the Governing Council. A certified cheque
and /or a bank draft must be provided to the Executive Director, for
the full amount of the house, prior to a formal transfer of the lot and
house to the owner.

General:

- Home based businesses are permitted provided that the Housing Coordinator has provided written approval.
- The owner is responsible for the maintenance of their home.
- The owner is responsible for purchasing adequate insurance for their home.

9. POLICY: HOUSING RENTAL PAYMENTS

All members in rental homes are required to make monthly payments.

SCOPE:

- Metlakatla First Nation members in rental housing will be required to make monthly payments as long as they occupy the unit.
- Occupants must pay a damage deposit if they have animals in the rental unit.
- Occupants of a band-owed rental unit will sign a rental agreement.

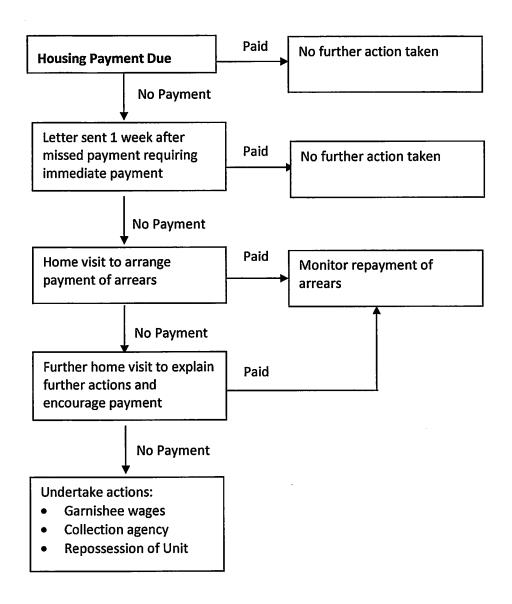
PROCEDURE:

- Occupants will submit monthly cheques or have it deducted from their salary if they are an employee of the administration.
- Occupants should purchase insurance for the content of their belongings which they are responsible for the payment of such an insurance.

PROCESS:

- All payments are due on the first day of the month.
- Written notification of non-payment will be made within five working days from when the payment was due. If payment is received within 5 working days of the letter, no further action will be taken.
- If payment is still not made, a home visit will be made to arrange a repayment schedule for the arrears. If the account is brought up to date according to the repayment schedule, no further action will be taken.
- If payment is still not made or the repayment agreement has not been met, a second home visit will be made explaining further actions which will be taken unless payments are made. If the account is brought up to date after this second visit, no further action will be taken.
- At this stage, if two monthly payments have been missed, and no effort has been made to repay the arrears, the homeowner/tenant will be informed of the action the Metlakatla First Nation proposes to take.
- The Housing Co-ordinator will make a report to Governing Council detailing the level of arrears and the steps that have been taken to remedy the situation. The report will include a recommendation about how to proceed.
- The Housing Co-ordinator will implement the Governing Council's decision.
- For persistent non-payment of rental payments, the Metlakatla First Nation administration will pursue the following options: garnishee wages, collection agency and/or gaining legal possession of the home through repossession to recoup their losses.

Rental Payment Process - Diagram



10. POLICY: RENOVATIONS

The Metlakatla Governing Council will ensure that all Band-owned housing units are rafe, clean and affordable.

SCOPE:

The Metlakatla First Nation will administer the renovation program by accepting and prioritising applications for renovations, maintaining a waiting list and accessing funding from INAC, CMHC and other sources.

PROCEDURE:

Eligibility:

- All on-Reserve homeowners are eligible to apply to the Metlakatla First Nation for home renovations, provided that the home is their primary residence.
- A professional inspection and cost estimate must accompany a request for renovations. Financial assistance to undertake this may be provided by the First Nation (subject to approval by the Housing Committee on a case by case basis).
- Renovation costs which exceed \$20,000 will be submitted to Council for their approval.
- Priorities will be decided based on the following:
 - age of house
 - level of maintenance provided by homeowner
 - urgency of repairs required (see below)
 - length of time on waiting list
 - ability to contribute money and/or labour to the renovation project
 - income and household composition
 - renovation is required to accommodate a disability

PROCESS:

The following activities qualify as renovations; repairs to or replacement² of:

- roof
- windows
- doors inside and outside
- panelling
- kitchen & bathroom fixtures (excluding appliances)
- countertops and cabinets
- floor
- foundation
- electrical
- plumbing
- heating

² Replacement will be of the same material or a reasonable alternative. If the homeowner wishes to purchasesomething beyond this, they will be responsible for paying the difference in price.

- insulation
- outside cladding/siding

The following are considered to be emergency repairs:

- faulty electrical wiring
- faulty plumbing
- any other situation which could be considered life threatening if not fixed, such as rotting building material that creates a hazard

Renovations required due to abuse or neglect of the home are not eligible for funding. Examples of this include broken windows, holes put through drywall, cupboard door torn off, etc..Replacement of flooring, redecorating and cosmetic repairs are not considered to be renovations. All elements to be replaced will be energy efficient to reduce utility costs and improve performance.

Priorities:

Renovation priorities will be decided based on the following criteria:

- Mold
- Other Health & Safety
- Water Tight
- Other Building Envelope
- Overcrowded (need for expansion)
- Disability

The level of home owner maintenance will also be considered in determining priorities.

Application Procedure:

- Any household wishing to be considered for renovations must fill in the Renovations Application Form which asks for a description of the repairs. The Application Form must be accompanied by a professional building inspection and cost estimates.
- Applications will be assessed based on the priorities outlined above.
- Applicants will receive a letter within one week of their application which confirms receipt of their application, the priority their application has been given and the average waiting time.
- Eligible applications will be placed on a waiting list.
- When funding is available for the renovations, the applicant will be required to produce two estimates from reputable, bonded building contractors who have bid on the work. In most cases, the applicant will be expected to accept the lowest bid for the work.

Other Sources of Funding:

Some homeowners may not meet the eligibility requirements. The Metlakatla First Nation will provide assistance to homeowners by applying to the Canada Mortgage & Housing Corporation (CMHC) for RRAP monies. The Metlakatla First Nation is responsible for administering these funds and will inspect the homes during the renovations to make sure the required

work is completed.

General:

Consideration will be given to homeowners who:

- a) contribute their own funds to the cost of the renovation, and/or
- b) contribute in kind to the cost of the renovation through sweat equity

11. POLICY: HOME DESTROYED BY FIRE

The Metlakatla Governing Council wishes to provide support to members whose homes have been destroyed by fire.

SCOPE:

• This policy applies to homes that have been destroyed by fire and are declared uninhabitable.

PROCEDURE:

Home has Adequate House Insurance

- If the home is insured, the insurance company will provide funds to replace the home.
- The Metlakatla housing department will do their best to provide alternative accommodation in the community during this time and/or
- The Metlakatla housing department will attempt to provide emergency accommodation on a cost recovery basis when the property has adequate insurance coverage.

PROCESS:

 In the event that a home is destroyed by fire, the Housing Coordinator may assist the band member identify alternative accommodation, if available, in the community.

12. POLICY: DISPUTE RESOLUTION

The Metlakatla Governing Council has developed this policy to resolve members' complaints about the housing program.

SCOPE:

 This policy applies to complaints by First Nation members which relate to housing allocations, housing payment collection & enforcement and renovations.

PROCEDURE:

- From time to time, Metlakatla First Nation members may disagree with a decision made respecting their eligibility forMFN housing programs.
- This policy sets out the steps for Members and the Metlakatla First Nation to follow to make and resolve a complaint.
- This policy should **not** be used for complaints about the quality of construction or renovations. Complaints of this nature should be directed to the Housing Co-ordinator, who will record the concerns on a deficiency list.
- The Housing Co-ordinator will use the Complaints Tracking Form to record progress in resolving the complaint.

PROCESS:

Step 1:

- 1. The Metlakatla First Nation Member should put their complaint in writing and give it to the Housing Co-ordinator.
- 2. The Housing Co-ordinator will acknowledge receipt of the complaint in writing within 5 working days of receiving it. This letter will also provide a date and time for a meeting with the Housing Co-ordinator to discuss the complaint in more detail.
- 3. After the meeting takes place, the Housing Co-ordinator will reconsider the original decision, based on the additional information, and make a determination. The determination will be forwarded to the complainant within 5 working days of the meeting.
- 4. If the complainant is satisfied with the determination, the complaint is considered resolved.
- 5. If the complainant is dissatisfied with the determination, the complainant should move to Step 2.

Step 2:

- The Housing Co-ordinator will make copies of all the correspondence, including the original complaint and forward it to the Housing Committee.
- 2. The Housing Committee will review the file and make a recommendation about resolving the complaint. The Committee Chair will write to the complainant to inform him/her about the Housing Committee's decision to resolve the matter.

- 3. If the complainant is satisfied with Housing Committee's decision, the complaint is considered resolved.
- 4. If the complainant is dissatisfied with Housing Committee's decision, the complaint should move to Step 3.

Step 3:

- 1. If the complainant is not satisfied with the decision of the Housing Committee the complaint may forward their complaint to the Governing Council.
- 2. The Housing Committee will table all documentation concerning this matter for review by the Governing Council.
- 3. The decision of the Governing Council is final.

13. POLICY: REVIEW AND AMENDMENT OF THIS POLICY

The Metlakatla Governing Council recognises the importance of reviewing and amending the Housing Policy to ensure that it remains current and relevant.

SCOPE:

 The Housing Committee is responsible for the development, review of and drafting recommendations to Council regarding revisions to the Metlakatla Housing policy.

PROCEDURE:

- The Housing Committee will review the entire Housing Policy annually.
- The Housing Committee will make recommendations to Council regarding Housing Policy amendments.

PROCESS:

- Throughout the year, the Housing Coordinator will inform the Housing Committee at each meeting of any proposed housing amendments.
- The Housing Committee will discuss the amendments and make recommendations to Council about whether or not the amendments should be incorporated into the Housing Policy.
- The approved amendments will be consolidated into the Housing Policy at the beginning of each fiscal year (April 1).