

MICHIPICOTEN FIRST NATION

HOUSING POLICY

AND PROGRAMS

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INTRODUCTION

Michipicoten First Nation is a growing community within its membership and with the acquisition of additional suitable land for socio-economic development. This growth, in addition to new families, additions to families and an aging housing stock, and availability of suitable land has increased the need for new housing and housing repairs. The increased demand, together with no new increases in Federal Housing Program Budgets for resources for new construction under minor capital and the Federal Governments commitment to resource housing initiatives which support and encourage home ownership for First Nation members both on and off reserve, is limiting our ability to provide housing through house allocation as was past practice prior to the year 2000 at which time Michipicoten First Nation, historically allocated homes at little or no cost to registered members whose names appeared on a housing list which was not annually maintained. Typically the funds used to construct homes were taken from minor capital which did not provide adequate funding to meet building code standards and as a result subsequent years of funding was dedicated to the maintenance and repair of substandard dwellings.

Michipicoten First Nation through a remedial management plan drafted a Housing Policy based on conditions during the period from the years 2000 to 2004, which no longer reflected the actual conditions within the community.

By mid 2004 Michipicoten First Nation had completed the construction of a 10 plex multiple dwelling and six (6) single family dwellings under the ministerial guarantee and mortgage agreement with CMHC Section 95 and from that date forward, there were no further allocations of housing at little or no cost.

Respectively, the Housing Policy as approved and amended over a period of five (5) years did not adequately represent the community as it is today or will be tomorrow. Michipicoten First Nation must do everything to build quality, affordable new housing and to protect its investments in housing for future generations. To do this effectively, it must have a comprehensive, forward thinking housing policy in place which details how housing is to be delivered and administered in the community and make provisions for future development. It must have sound organizational structure, with the necessary skilled administration to ensure the Housing Policy and Housing Programs as approved by Chief and Council are properly administered.

It was then necessary to review the administration of the past and current housing programs, eliminate what was no longer applicable and develop a new housing policy with a distinct structure which would effectively deliver and administer housing services to Michipicoten First Nation Members. The Housing Policy was developed to clearly define the roles and responsibilities of Chief and Council, the Committees of Council and Administration incorporating strategic direction, future planning and community consultation.

This policy addresses the desire for control and accountability.

MISSION STATEMENT

The Michipicoten First Nation Housing Programs shall ensure that Band Members have access to safe, affordable and healthy living accommodations within the Michipicoten First Nation territory. This shall be accomplished through various funding programs, rental accommodations, and construction advisory services. The Housing Program shall provide Housing Needs and Services to Michipicoten First Nation Members in a just, transparent and equitable manner.

HOUSING POLICY

The Housing Policy and Housing Programs will:

- a) ensure that resident registered members of Michipicoten First Nation and their families; have access to decent, safe and adequate housing,
- b) ensure that assistance to resident registered members is consistent with the values, needs and priorities of Michipicoten First Nation through established housing programs as approved by Chief and Council from time to time,
- c) respect the financial limits set out in the annual housing budget as approved and the performance requirements established by Chief and Council,
- d) be fair and equitable to all resident registered members of Michipicoten First Nation.

GOAL OF THE MICHIPICOTEN FIRST NATION HOUSING PROGRAMS

Under the authority and direction of Chief and Council and through recommendations by the Housing Committee as approved policy and implementation of Housing Administration, Housing Programs are meant to provide Michipicoten First Nation Members with safe, affordable shelter that meets quality standards of health, safety, structural integrity and fire protection for every resident registered member and strive to accomplish this goal through a policy that is fair and effective.

HOUSING COMMITTEE

Michipicoten First Nation Housing Committee is governed by Chief and Council. The Housing Committee is responsible for drafting housing policies and housing programs. It may also assist in the recommendation of budgets and changes which will impact First Nation Housing Policy and Housing Programs including a transparent appeal process. All committee members will assume responsibility for the Housing Policy and Housing Programs for interests and objectives and must therefore appreciate the level of commitment and responsibility required of them. They must act at all times in the best interests of Michipicoten First Nation as a whole and promote the purpose and objectives of the committee. Committee members should familiarize themselves with the committee manual which is provided to each committee member containing

the essential documents of the Housing Policy and Housing Programs.

1. HOUSING COMMITTEE

1. Composition -

The Michipicoten First Nation Housing Committee shall consist of five Committee members as follows:

- a. The Chair - One (1) Councillor who is not an employee of the First Nation.
- b. The Chief (ex officio)
- c. The Band Manager
- d. Two (2) registered Members

who shall be appointed to the Committee by motion of Council each term and shall sit on this Committee for the duration of their term or until their resignation is accepted by Council. Members of Council, upon re-election may have the option of remaining on a committee or until their successors are appointed.

2. Mandate

The Committee shall be responsible for:

- a. Reviewing policies and procedures relating to housing.
- b. Ensuring annual audits on housing programs are completed and available to the all Members.
- c. Ensuring financial reports are conducted and provided to the Chief and Council semi-annually.
- d. Ensuring Minutes of Meetings are prepared and approved by the Committee and provided to the Council regularly.
- e. Ensuring that the Housing Policy and Housing Programs are implemented in a fair and equitable manner.
- f. Make recommendations to the Council concerning sections 2.a to 2.e above

It is understood that the Chief and Council are responsible for approving and directing the Committee on all budgets and finances.

3. Meetings

The Housing Committee shall meet quarterly or more often if required as set by Housing Committee motion.

4. Quorum

A quorum of this Committee shall be three members of the Housing Committee.

5. **Removal of Members**

A member of the Committee may be removed from office:

- a. By the Chair if the member has missed three (3) consecutive scheduled meetings of the Committee without providing proper notice to the Chairperson.
- b. By a majority of Council on the recommendation of the Housing Committee
- c. By a majority Council not sitting on the Housing Committee.

6. **Responsibilities of Committee Members**

Each Member of the Committee shall:

- a. Attend all Housing Committee meetings
- b. Prepare for meetings by reading relevant reports, and keeping in touch with the general needs and concerns of the band members and to bring those needs and concerns to the Housing Committee
- c. Remain informed on housing projects and programs.
- d. Keep up-to-date with relevant Policies and By-laws.
- e. Not exercise authority over First Nation staff unless specifically authorized by Council to do so.
- f. Not deal directly with the administration and operations of Michipicoten First Nation.
- g. Shall not speak for or act on behalf of Council unless formally given the authority to do so as not to conflict with that authority delegated to the Band Manager.

7. **Chair**

The Chair person of the Committee shall be the Council representative appointed to the Committee.

8. **Chairs Responsibilities**

The Chair shall:

- a. Be responsible for maintaining order during the meeting, recognizing speakers and deciding all questions of procedure.
- b. Determine who is entitled to speak at any point during the meeting.
- c. Not vote except when there is a tie vote in which case the Chair shall cast the deciding vote.
- d. Preside over the meetings of the Committee and shall, between meetings of the Committee, exercise or perform such of the powers, duties or functions of the Committee as the Committee may determine.

- e. Call for Housing Committee Meetings, prepare the Agenda with the Chief, Band Manager and Executive Secretary and participate in interviews with Members as required.
- f. Ensuring Minutes of Meetings are prepared and approved by the Committee and provided to the Council regularly.

9. **Band Manager**

The Band Manager shall:

- a. Consult with the Chairperson, Chief and Executive Secretary on preparation of agendas.
- b. Ensure a Recording Secretary is present to take minutes of meetings.
- c. File and draft appropriate housing documentation and agreements.
- d. Advise the Committee on the implications of any transaction contemplated or policy changes.
- e. Coordinate the Housing Policy and activities to ensure that the First Nations Housing policy, agreements, guidelines and mandates are followed.
- f. Make appropriate recommendations on housing issues requiring Committee and/or Council approval.
- g. Ensure that appropriate staff provides support to the Housing Committee as non-voting members.

10. **Housing Department (Coordinator) -**

The Housing Department Coordinator or designate shall:

- a. Attend Housing Committee Meetings as resource personnel.
- b. Submit to the Band Manager agenda items or issues for discussion and clarification.
- c. File, draft and maintain appropriate housing reports, documentation and agreements
- d. Participate on annual audits and the preparation of housing budgets.
- e. Advise the Band Manager on the implications of any transaction contemplated or policy changes.
- f. Work on the day-to-day operation of the Housing operation and other related duties.
- g. Coordinate the Housing Program and activities to ensure that the First Nations Housing policy, agreements, guidelines and mandates are followed
- i. Make the appropriate recommendations to the Band Manager on the utilization of funds, new housing, health and safety issues and major or minor renovations
- j. Ensure that all financial reports and records are maintained.

HOUSING PROGRAM BUDGETS

All housing subsidies, lot servicing subsidies, rental collection payments, loan collection payments, CHMC grants, revenue contributions, training funds, loans and any other grants that may be received for labour or materials for both construction or repairs will be included as revenues for the annual housing budget. This budget will be developed annually by the Band Manager and the Housing Department and presented to the Housing Committee for review and recommendation to Chief and Council.

Budgets will be designed for clarity and ease of understanding. Individual budgets may be developed for specific areas including; repair loans, new construction loans, septic & water loans, First Nation rental units, maintenance salaries and expenses, insurance, administration, lot servicing, training, loan payments and any other services or charges that are necessary for the housing program.

Emphasis for the budget allocation will be compared with the recommendations and reports through the conditional assessment summary of the community (ACRS) as well as the assistance and recommendations of Ontario First Nations Technical Services (OFNTS) through inspections. (i.e. If 75% of the existing units are in need of major repairs then a majority of the housing budget will be set aside to address this area). Comprehensive community projections and planning of special projects will also be considered in capital planning for future years.

GENERAL ELIGIBILITY REQUIREMENTS

Michipicoten First Nation Housing Programs shall be managed in accordance with the Housing Policy, regulations and procedures set out to set the criteria for the allocation, eligibility and management of finances and resources for each program.

Each fiscal year, the approved budgeted amounts for housing are allocated to various programs, including funding received from outside sources (i.e. Indian Affairs, CMHC). Applications are processed in order of receipt per program on a first come, first serve basis, as applicable, until funds are depleted and or pending applications under outside funding resources have been approved). Michipicoten First Nation will advise all registered members of the availability of surveyed lots suitable for building, rental housing, and other housing as available through the monthly newsletter or media.

All members are eligible to apply for resident Housing Programs under general eligibility requirements or specific to program requirements which are included and form a part of the Housing Policy.

For general purposes only, every applicant:

1. must be a registered member of Michipicoten First Nation and be 18 years of age or older in order to be considered for any housing program,
2. must be in good financial standing with Michipicoten First Nation (has no outstanding debts as reported on annual audited Financial Statements),
3. show proof of parental custody or legal guardianship of registered minors claimed as dependents (where one or both legal parents is/are not currently living within the family unit).
4. if renting, not currently own a home in the community (unless awaiting construction or renovation as offered through the Rental Housing Program)
5. will have the responsibility to ensure that their application for a Housing Program is updated on an annual basis.
6. will be awarded points for the set criteria per Housing Program which will be calculated on information provided on the application form and references stated on the application. Members who have the most points on the date the applications are reviewed will be positioned at the top of the list for that specific Housing Program.
7. once approved, may only access a specific housing program once unless by policy it is determined more than one program may be accessed at one time.
8. must access Housing Programs through this Housing policy for primary residence only.
9. must attend a Homeowner Training session as available upon acceptance for a Housing Program.
10. Housing Applications as part of the eligibility criteria shall include the requirement for an updated Criminal Records Check (CPIC) and Michipicoten First Nation, the Landlord, or its designate shall have the right to refuse or reject any application that does not meet the requirements or criteria as stated through its Housing Policy and Administration Procedures.

POINT ALLOCATION CRITERIA FOR HOUSING PROGRAMS

A criteria for point allocation for Housing Programs will include but not be limited to the General Eligibility Requirements criteria for registered members of Michipicoten First Nation and will be stated under the Housing Program Section.

HOUSING PROGRAMS

The objective of the Housing Policy is to promote home ownership on reserve as a goal for all Michipicoten First Nation resident registered members. It is recognized that this goal is not immediately attainable for all members, due to various reasons such as availability of financial resources or limitations related to the care and maintenance of a home. Michipicoten First Nation may offer a number of housing options to members that are designed to develop the needs to assume the responsibilities and pride of home ownership.

These options may include the following programs:

1. Rental Housing Program (Michipicoten First Nation)
2. Rent to Own Housing Program (Michipicoten First Nation)
3. Self-Help Housing Program (MFN and RBC Aboriginal Housing Program)
4. Housing Revolving Loan Program (pending)
5. MFN Home Improvement Loan Program (pending)

1. Rental Housing Program

The Rental Housing Program is funded through a loan or mortgage through CMHC's (Central Mortgage and Housing) Section 95 on Reserve Housing Program. Under this program, Chief and Council sign an Operating Agreement with CMHC to receive subsidies to cover the difference between the revenues (rents) from the rental project and its actual operating costs. The money for building the units is borrowed from a bank and the loan is secured by a Ministerial Loan Guarantee provided through the Department of Indian Affairs. Rental projects funded through CMHC's Section 95 program are built, owned and managed by Michipicoten First Nation.

These First Nation owned rental housing units are used primarily to assist those members on an as needs basis and who are unable to take on the responsibilities of ownership, such as maintenance, repair, insurance of the house. These units are constructed on unencumbered land allocated by the First Nation. The First Nation will retain ownership of these units and rent them to individuals and families under a rental arrangement. Tenants will pay rent and the Michipicoten First Nation Housing Department will maintain and repair the units according to policy.

There is no down payment required to get into a rental unit, however, on the date of

occupancy, tenants are usually required to pay first and last months rent. The last months rent will be held by the First Nation as a security deposit against damages or to be applied as rent for the last month of occupancy preceding the termination of a rental agreement. The security deposit or last months rent will earn interest on an annual basis up to the date it is paid out and if it is determined by the Housing Department that no damages were incurred by the tenant, it will be paid out in full to the tenant, if not used to pay the last months rent.

The Rental Housing Program may be considered as a transitional program, designed to help members develop the capability and opportunity to take on the responsibilities of home ownership. Therefore, tenants who participate in the Rental Housing program may also qualify for the Rent-To-Own Program when they have demonstrated the commitment and ability to care for their assigned unit and have met the rental criteria and terms of their rental agreement for no less than a minimum period of two (2) years; and at the sole discretion of Michipicoten First Nation.

1.1 Eligibility:

All First Nation members over the age of eighteen are eligible for the Rental Housing Program, subject to the selection criteria process through policy. However, Michipicoten First Nation may target rental housing assistance to those on social assistance and those who cannot reasonable be expected to carry out the maintenance and repair of their own home. This may include but not be limited to seniors, single parents, and/or challenged individuals with limited family support.

1.2 Michipicoten First Nation Housing Department Obligations:

Michipicoten First Nation during the term of the agreement will be responsible for:

1. the construction of rental housing units,
2. adequate fire and property damage insurance,
3. the selection of tenants,
4. tenant counseling,
5. annual inspections of units,
6. maintenance of normal wear and tear,
7. repair and renovation as required,
Periodic replacement of major structural components from reserves set aside for this purpose (i.e. roofing; siding; doors and windows; furnace or heat source,
8. the collection of rental payments

1.3 Tenant Obligations:

Rental housing tenants during the term of the agreement are responsible for:

1. the payment of rent and utilities as per the terms of the rental agreement and renters content insurance against loss or damage to personal property,
2. proper care of appliances and minor maintenance as required in the normal wear and tear,
3. keeping assigned units and surrounding property clean, tidy and free from garbage and hazards to the health and safety of family and other tenants.
4. costs related to accidental or willful damage to rental unit by self, family or guests
5. ensuring smoke and carbon dioxide detectors are operational at all times.

1.4 Arrears:

The Rental Housing and Rent-To-Own Housing Programs are based on the principle that housing is a shared responsibility between Michipicoten First Nation governance, administration and the members. All members are expected to contribute towards the cost of their home on reserve. The members agree to make payments when signing a rental or rent-to-own agreement. Funds collected either rental or occupancy charges are used to meet the financial obligations of Michipicoten First Nation for the cost of building rental units and protect the investment of Michipicoten First Nation owned housing to enable the Michipicoten First Nation to provide further assistance for working towards home ownership for the members.

If a member defaults in paying rent or rent-to-own payments that have been agreed upon in writing; and no action is taken, this reflects upon and may cause harm to the community as a whole. It is not fair to those who are meeting their obligations for housing if no action is taken against those who default or refuse to accept the responsibility agreed upon. An agreement in writing between two parties is a legal contract.

Description of Arrears is as follows:

- a) if rent is late by one day,
- b) if tenant has not paid the full lawful amount,
- c) if the tenant decides to withhold rent due to a maintenance issue,
- d) if the tenant does not give proper notice to vacate a rental unit
- e) if a tenant does not make required arrangements for repayment of arrears owing

Michipicoten First Nation Housing Department, as approved by Chief and Council and

through Administration of its policies has the responsibility to take action on reducing and eliminating arrears, even if it means that tenants may have to be evicted from their units.

1.5 Collection Process:

Collection of arrears will be processed in the following manner:

- a) tenants will be notified in writing of a breach of agreement within five (5) days from date due of rental arrears on their account,
- b) Tenants may be charged interest on any arrears on their accounts, at a rate to be determined by the Michipicoten First Nation Housing Department.
- c) Michipicoten First Nation Housing Department may be authorized and as approved by Chief and Council through policy to implement a “Garnishee of Wages” program to collect any outstanding arrears. If any amount of rent or occupancy charges remains outstanding for thirty (30) days beyond the due date, the Michipicoten First Nation Housing Department is authorized to send a “Garnishee of Wages” notice to the tenant/occupant with a statement of arrears, demanding payment.
- d) Michipicoten First Nation Housing Department may be authorized and as approved by Chief and Council through policy to initiate collection procedures for any outstanding arrears, if any amount of rent or occupancy charges remain outstanding for sixty (60) days beyond the due date.
- e) Michipicoten First Nation Housing Department may authorize and as approved by Chief and Council through policy to instruct a collection agency to commence court proceedings against a tenant/occupant, if any amount of rent or occupancy charges remain outstanding for one hundred and twenty (120) days beyond the due date.
- f) Michipicoten First Nation Housing Department, as approved by Chief and Council through policy may initiate proceeding to evict a tenant/occupant for non payment of rental arrears, if any amount of rent or occupancy charges remaining outstanding beyond one hundred and twenty (120+) days.

1.6 Notice of Termination (Ending a Tenancy by notice or eviction):

The ending of a tenancy agreement by either Michipicoten First Nation Housing Department or a tenant, shall include but not be limited the following reasons for notice of eviction:

- a) the tenant must give Michipicoten First Nation Housing Department a minimum of thirty (30) days notice in writing or in accordance to the signed rental agreement if otherwise stated, prior to vacating a unit.
- b) the tenant and Michipicoten First Nation Housing Department mutually agree to end a tenancy for extending circumstances beyond the control of the tenant or Michipicoten First Nation Housing Department,

- c) a tenant has failed to pay rental arrears or made specific arrangements in writing for the repayment of rental arrears,
- d) Illegal Acts – the tenant has been proven to run an illegal business in the unit and any business contrary to the terms of a rental agreement.
- e) the tenant, another occupant of the unit or a visitor of the tenant has impaired the safety of any other tenant or person on the property,
- f) the tenant, another occupant of the unit or a visitor has caused a disturbance to other tenants or the Michipicoten First Nation Housing Department by way of an action,
- g) Major repairs and renovations scheduling, where Michipicoten First Nation Housing Department is required to facilitate major repairs and renovations to the rental unit or property, and it would constitute unsafe living conditions for the tenant/occupant, notice in writing of at least one hundred and twenty (120) days must be given by Michipicoten First Nation Housing Department.

1.7 Eligibility Criteria for Rental Units

Rental units are typically based on needs, and are limited to occupancy by members first and foremost but not limited to members where no applications are on file for such units.

Two bedroom units may be occupied by one or more family members but not to exceed four family members.

Three bedroom units may be occupied by the parent(s) and a minimum of two (2) other family members.

Points will be allocated for the following criteria;

- a. One point for each band member who currently lives with the applicant and will be residing in the unit.
- b. Half a point of each non-band member who currently lives with the applicant and will be residing in the unit and is a dependant of the band member on the application.
- c. Five points if the applicant's present living conditions are a hazard to their health and safety indicated by documentation.
- d. One point for each band member or dependant that results in an over crowding situation in their current residents.
- e. Two points if the applicant is currently living on the First Nation.

- f. One point if they have a good reference check (previous landlords).
- g. One point if they have a good credit rating with the First Nation.
- h. One point if they have a good credit rating overall (credit bureau).
- i. One point for each year the applicant has had an active application on file up to five years.
- j. One point for approved plans.
- k. One point for a lot that is prepared for building(access available & building area cleared)
- l. One point for complete estimates on file including water and sewage systems.
- m. One point for proof of finding for completion of unit.

If a tie should exist the application that has been on file the longest should be given priority.

1.8. Selection Process

Michipicoten First Nation Housing Department or designate shall prepare all point allocations for application for review and approval by the Band Manager or designate as assigned by the Band Manager.

An applicant who has been contacted for a rental unit and does not respond within a reasonable period of time, forty-eight (48) hours, will be removed from the applicable list. The applicant will then be required to reapply at a future date.

Department to proceed with their application.

Once a rental agreement has been entered into by both parties, the name of the occupying tenant will be provided to Chief and Council at a regularly scheduled meeting by the Band Manager.

The 10-Plex ten unit complex, known as Migisi Suswin (Eagle's Nest) shall be owned and maintained by Michipicoten First Nation and no Rent-To-Own Agreements or Certificates of Possession/occupation will be issued to any tenant. (BCR# 2002-86).

1.9) Rent-To Own Housing Program

The Rental Housing Program is funded primarily through a CMHC Section 95 and/or Section 10. Under these programs, the First Nation has entered into an Operational Agreement with CMHC

to receive subsidies to cover the difference between the revenues (rents) from the rental project and its actual operating cost. The money for housing units is borrowed from a band or lending institute and the loan is secured by a Ministerial Loan Guarantee provided through the Department of Indian Affairs. These funds are used to construct housing which may become available to members are committed and able to assume the responsibility of home ownership, with some assistance provided by the First Nation.

Members may be required to contribute a minimum down payment as determined by the First Nation towards the cost of a Rent-To-Own housing unit or; as set by policy fulfill the required criteria to be eligible for a Rent-To-Own housing unit. In addition to a down-payment if required, approved applicants will enter into a long term Rent-To-Own Agreement under which they will be responsible to carry out basic maintenance, pay utilities and fire insurance and make monthly payments amortized over the length of the agreement towards the cost of the housing unit. Tenants will have had to complete the minimum occupancy of two (2) years and will have had to demonstrate their ability to meet all of the requirements of a rental agreement, inclusive of paying rent regularly and on time.

The number of years over which the occupant repays the value of the house is determined by the actual cost of the unit, whether a down-payment has been made, and the rate of interest and the financial viability of the occupant. For example, if the cost to build the unit is \$40,000 and the applicant makes a down-payment of \$5,000, with an interest rate of 4% annually or a rate comparable to current mortgage rates, the new homeowner would have to pay about \$250 per month amortized over 25 years. The interest rate may be adjusted every 5 years on term renewal which may affect the month payment amount.

2.0 Issuance of Certificate of Possession.

Provided there are no encumbrances and only upon **the receipt by the Landlord of a discharge of Mortgage from CMHC with respect to the Mortgage Agreement between the landlord and CMHC**; at the end of the term of the Rent-to-Own Agreement, ownership of the property including house is transferred by means of a request or the issuance of a Certificate of Possession as approved by Chief and Council, which requests from the Minister to transfer possession of the surveyed lot the house is built on to the home owner. At that time, as the home owner, the member will become fully responsible for the operation, maintenance and all repairs of the unit. Failure to meet the terms of the Rent-To-Own agreement will result in the loss of any down-payment and the option to obtain ownership of the unit. The unit will revert back to a rental and the First Nation will retain ownership; and determine such action as may be required inclusive of eviction.

Rent to Own Agreements may not be transferred to any other member during the term of the agreement. No sale of a Rent-to-Own unit by the owner of the unit shall occur without a Certificate of Possession in the name of the owner.

2.1 Eligibility

To be eligible for the Rent-To-Own Housing Program, applicants must be First Nation Members of eighteen (18) years of age or older and must have met the requirements of at least a minimum of two (2) years of rental occupancy and demonstrated the ability to take proper care of the unit and make monthly rental payments on a regular basis. Members who have met the criteria through the Rental Housing Program will be considered as suitable candidates for the Rent-to-Own Housing Program. In addition, applicants must demonstrate that they have the ability to meet the Rent-To-Own selection criteria.

A member or member's family who currently own a home that meets the required building codes or Michipicoten First Nations Housing Departments accepted code standard, is (are) not eligible for a rent-to-own unit.

Rent-To-Own housing units may only be built on reserve. While members currently residing off reserve may qualify, they would have to meet the selection criteria through the selection process and agree to accept a unit on reserve.

2.2 First Nation Housing Department obligations:

The First Nation during the term of the agreement will be responsible for:

1. construction of rent-to-own housing units,
2. the selection of tenants
3. tenant counseling
4. annual inspections
5. warranty repairs to major health, safety or structural deficiencies and components as determined by the proper authorities and agencies
6. The collection of mortgage/rent-to-own payments.

2.3 Tenant Obligations:

Rent-To-Own housing occupants during the term of the agreement will be responsible for:

1. payment of monthly mortgage/rent-to-own payments, utilities as detailed in the Rent-To-Own agreement,
2. homeowner fire insurance against loss or damage to structure and personal content,
3. carrying out all maintenance on unit except for repairs related to major structural deficiencies covered under warranty,

4. keeping unit and surrounding property clean, tidy and free from garbage and hazards to the health and safety of self, family and other tenants,
5. Any costs related to accidental or willful damage to unit by self, family or guests.

PROPERTY ALLOCATION POLICY GUIDELINES

Chief and Council upon approval of an application may allocate surveyed property to a registered member so that the member can build their own homes either through a on-reserve housing loan program identified in this policy or through the use of personal resources.

At all times the property allocations will conform to the established community development plan.

Utilizing personal resources to construct a house will not disqualify any member from on-reserve housing allocations in the future but their priority rating may be affected.

A separate list will be maintained for those members requesting property allocations. Chief and Council may determine the number of building lots through a registered survey and conforming

to the established community development plan.

CERTIFICATES OF POSSESSION

Under Section 20 (2) of the Indian Act the Chief and Council have the authority to issue Certificates of Possession to a registered member that is lawfully in possession of land on reserve.

A certificate of possession transfers the right to use the property to an individual registered Member, and upon the death of the Member it is transferable to their heirs and successors provided that they are also registered members of Michipicoten First Nation or as future “real matrimonial property” dictates through changes to the Indian Act.

Michipicoten First Nation recognizes that a certificate of possession cannot be transferred to a non-native spouse or children. In the event of the death of a member survived by a non-native spouse or non-status children, the property will be transferred to the member’s next of kin eligible by virtue of status and membership to take possession of the property. This individual will hold title to the property; however, the surviving spouse and children will be able to reside on the property until such time as the children attain the age of 18 or the surviving spouse remarries. If the children become eligible or entitled to status for any reason, the certificate of possession will be transferred to them.

Certificates of possession will be issued by the Chief and Council to each homeowner after they have resided on the allotted property for a period of not less than five (5) years. The allotment of property and houses can be revoked if:

1. The member to whom the house or property is allocated no longer lives on reserve.
2. The member to whom a building lot is allocated does not build their primary residence on the property within two years of the date of allocation.
3. The member to whom a house is allocated fails to meet their financial obligations to the Band for loans associated with the construction or renovations of the home.
4. The member to whom a house is allocated rents out the allotted premises without the permission of Chief and Council. In the event that Chief and Council approve the renting out of a home for which a certificate of possession has not been issued, all rents received (money) shall be the property of the Band.

5. The member to whom a house is allocated vacates or abandons (leaves house unattended, unheated, etc.) the house.
6. If member to whom a house or property is allocated dies prior to a certificate of possession being issued; the property and/or house will be allocated to the beneficiary of the member's estate provided that the identified beneficiary is a band member. The person to whom the house or property is allocated will be required to meet all the existing conditions and complete the time remaining in the original five year period prior to having a certificate of possession issued to them.
7. Under extenuating circumstances the Chief and Council may waive any of the conditions in this section.

As each Certificate of Possession is issued, the person or persons to whom the allotment has been made shall sign a Declaration that he or she is now responsible for all repairs and maintenance to existing or future structures and also any repairs or maintenance to property from the date of signing of the Declaration. No Certificates of Possession shall be issued without the signed and dated Declaration of the said person or persons. (BCR# 2004-80)

GENERAL LOAN PROCESS AND REQUIREMENTS for On Reserve Housing Loans

(Applicable for new construction, purchase of an existing home or repair loans)

Currently, under CMHC Section 10 Housing applications, a ministerial guarantee from Indian Affairs is required and a member must apply for and be approved through Band, CMHC and Indian Affairs. Through the adoption of an on-reserve housing loan program, Michipicoten First Nation may enter into an agreement with the Bank to provide loan guarantees for members who are eligible.

General Loan Processing Steps:

A Michipicoten First Nation registered member, 18 years of age or older, may go to the participating Bank for an application for a loan, inclusive of all the required documentation (quotes, costs, valuations, etc.) for the construction of a home or to purchase an existing home or for repair loans). Upon approval, the bank will forward the documentation to Michipicoten First Nation for approval by Chief and Council. Once the Bank receives the signed approval from the First Nation, funds are ready to be advanced and may be distributed directly to the member as approved through construction progress draws or in part or whole to Michipicoten First Nation to

monitor and administer through a pre-agreement to do so.

Advantages of an on-reserve housing loan process:

- Minimum of 2.5 % down payment requirement (cash or “sweat equity”)
- Risk Share with the Bank where the First Nation co shares risk 80/20
- Option to override bank decline (not eligible for risk share)
- Same program may be used for construction purchase, renovation and rental units under a rent-to-own agreement.

On Reserve Housing Loan Process for the purchase of Existing Home:

1) A registered member may apply at the approved participating Bank personal banking branch, providing all required documentation outlined in the Checklist for Members.

2) The participating Bank will forward the necessary documentation to the Michipicoten First Nation Housing Department on behalf of the member with either of the following:

Approval

- a) approval letter
- b) loan note
- c) statement of disclosure
- d) guarantee
- e) member authorization

Decline

- a) decline letter
- b) loan note
- c) statement of disclosure
- d) guarantee
- e) member authorization

3) The Michipicoten First Nation Housing Department will present a request for approval by Chief and Council through a Band Council Resolution (BCR) to complete the package and returned to the participating Bank to begin processing either of the following:

Approval

BCR identifying the member;
Loan amount, and approval for
Guarantee

Decline

BCR acknowledging the loan
is not eligible for risk share due
to original decline of the applicant

4) If the loan is being used to payout another financial institution, a payout statement will be ordered from that institution to be added to the package for processing.

5) Once all of the required documentation of the package have been received, inclusive of any additional information the member has provided, such as purchase agreement, direct debit forms, loan insurance, etc will be forwarded to the participating Bank’s mortgage department for processing, provided the packaged was approved.

6) Once processing has been completed by the participating Bank and funds are ready to be advanced, the Bank will issue a draft payable to the vendor for payment as per the purchase agreement with any residual funds, (in the case of renovations) to be held and dispersed through the agreement upon process outlined for such loan applications.

Checklist for Members for the purchase of an existing home:

The following list for members to have with them on the first visit to the participating Bank for an application for the On Reserve Housing Loan Program.

- √ If a member is a participating Bank client, they must have their client card and status card for identification.
- √ If a member is not a client of the participating Bank, they must have their status card plus two pieces of major identification such as valid driver’s license, SIN card or birth certificate, etc.
- √ The member must have verification of employment/income by way of most recent T4 or two most recent pay stubs/direct deposit verification from employer.
- √ If the member is self-employed, they must have Pages 1 & 2 of their T1 General form and the most recent Notice of Assessment (if applicable).
- √ the member has a financial portfolio, they must have the most recent statements of any investments, registered or non-registered.
- √ Any further documentation verifying the amount required to borrow; for example,
 - a) agreement between parties on purchase price
 - b) estimate(s) on renovations (if applicable) from contractor
 - c) letter from Housing Department or appraiser verifying value

Loan Default and Foreclosure

A copy of the established loan default procedures will be reviewed with members prior to the signing of any loan agreements.

Notice of default will begin for band members immediately after one payment has been missed. The following procedures will apply.

- I. A first notice will be sent to the band member notifying them that they are in default of

their loan agreement and stating that they must provide payment immediately. A band member will have the opportunity at this time to make an appointment with the Housing Coordinator to discuss a payment schedule.

2. If after 30 days no payment has been received a second notice will be sent. This notice will include a date for an interview meeting with the Housing Coordinator and Band Finance Officer to discuss the situation and to make arrangements for the defaulted payments. This will allow the band member to explain the circumstance and arrange for a schedule to bring the account up to date. All efforts will be made to have the band member state what schedule he/she can make to bring the account up to date. As long as the band member can afford the monthly payment and some additional amount for the back payments an agreement can then be signed. This agreement will be in place as long as further payments are not missed. This agreement will indicate that if a payment is missed then the agreement will become void. A new agreement can be signed if circumstances are beyond the band members control, otherwise the band member will be sent a third notice advising of foreclosure procedures.
3. If after 30 days from the second notice no payments have been received or an agreement has not been reached, a third notice by Registered Mail, will be sent immediately after the third payment date has been missed or payment has been missed according to the second notice agreement. This notice will advise the band member that a foreclosure process will begin if payment in full is not received or a payment agreement is not signed with the First Nation within 30 days.
4. If after 30 days payment is not received in full or an agreement has not been made, the Chief and Council will be advised of the foreclosure and this process will begin immediately.

Other collection procedures such as the use of collection agencies could be considered for smaller amounts. *Proper documents should be signed and agreed to by Chief and Council as to how the foreclosure procedures will occur and who will handle the foreclosure process.*

LANDLORD & TENANT POLICIES
RENTAL HOUSING AND RESIDENTIAL PROPERTIES

Applicants on a waiting list for a home loan for new construction/purchasing of existing home or requiring temporary housing during major renovations, may apply for a rental unit until they can secure occupancy in the renovated; constructed or purchased unit.

Relocating to another rental unit consisting of the same number of bedrooms is prohibited.

Relocating from a rent-to-own home to another rent-to-own home is prohibited.

Tenants/members who are required to vacate their place of residence due to health and safety repairs or fire may be provided with a rental unit as available for immediate occupancy for a period not to exceed one (1) year.

Individuals evicted for any reason from a property administered by Michipicoten First Nation Housing Department will be prohibited from applying for any rental unit for a period of five (5) years. Applications for such individuals evicted from a property administered by Michipicoten First Nation Housing Department will not be processed for a period of five (5) years from Notice of Termination of Lease.

The acceptable criteria for using, or permitting to be used, any residences for any business are:

- No retail operation defined as a storefront business.
- No additional parking area will be required.
- Existing public parking area will not be diminished.
- Commercial insurance policy to be in place with a minimum \$1.0 million liability coverage and a copy filed annually with the Michipicoten First Nation Housing Department.
- The nature and scope of the business shall not be detrimental to the health and safety of other residence, tenants, guests, visitors, and
- The display of signs on the property is prohibited.

A lessee, or any member of the lessee's household living in a rental unit or rent-to-own unit or applying for a loan through a Housing Program, convicted of a Criminal Code Offense, or an offence under the Young Offenders Act or any successor legislation, and where the offence was committed in or on the property under the Lease or Rent-to-Own Agreement or Loan Agreement, or any band owned residential property, the lessee shall immediately be placed on notice.

A subsequent conviction against the lessee, or any member of the lessee's household, of a Criminal Code offence, or an offence under the Young Offenders' Act or any successor legislation, may result in immediate eviction.

All rental units will be inspected on an annual basis and procedures for rectification or repairs will be completed in accordance to the terms of the existing lease agreement.

Code Compliance

Purpose

Michipicoten First Nation Housing Department with the assistance of the availability of Ontario

First Nations Technical Service or any other such agency as deemed necessary is available to assist members to construct as contracted; or to assist in the health and safety requirements which will prolong the longevity and provide a safe environment for member's families. This service is available for all residences within the reserve boundaries and as requested and as within the scope and guidelines of the Michipicoten First Nation Housing Department.

Authority

Michipicoten First Nation Housing Inspectors have the authority through the Housing Policy as approved by Chief and Council to apply and enforce the accepted construction codes and standards to all residential properties built, repaired or managed through the Michipicoten First Nation Housing Department. This includes CMHC programs such as RRAP and Section 95 rental projects, new construction as well as existing units in keeping with the Physical condition Review requirements for CMHC and other agencies as required.

Construction Code and Standards

All work must conform to the latest version of the Ontario First Nation Illustrated Housing Code. National Building Code, First Nation policies, Electrical code, Ontario plumbing code, gas, propane and oil code, solid fuel burning appliances code and wood foundation code.

Site

Prior to the commencement of construction, the proposed owner must engage a Field Inspector to:

- Locate and verify that the property is compliant with the surveyed lot allocated
- Mark out the property boundaries (if required) by placing markers which are clearly visible.
- Stake out the proposed location of the house which must be within the lot boundaries and comply with road clearances.

The Field or Housing Inspector, Environmental Health Officer or Consultant engaged by the owner will carry out a site inspection to verify acceptability of the site for house construction and sanitation system. A layout will be prepared indicating the location of the house, water and sewage facilities. It is the homeowner's responsibility to provide this layout to the contractor and to ensure the house and servicing are located as indicated on the site layout and within property boundaries.

Water and Sewer Requirements

Any member installing individual septic systems, field beds, holding tanks, wells, systems, etc. with or without loan assistance from the First Nation will require inspections by the Environmental Health Officer before and after installation to ensure regulations are followed for

all locations on the First Nation lands. All work done on sewage disposals and water supplies will be required to be installed and repaired to federal guidelines by Health Canada and First Nation guidelines and policies. First Nation policies and guidelines must be complied with for distances from lot lines, sewer and water lines, frontage and roads.

House Plans and Material Lists

Plans will require all of the following to be included; drawing and specification on foundation, floor plan, elevations, building and wall sections, truss & roof layout, window and door schedules, and a list of all materials to be used. A site plan approved by the designated inspector will be a requirement for the band files prior to construction.

Health and Safety Repairs on First Nation owned and managed residences as well as any Repair loan applications will require inspections to determine what repairs are needed. The report will indicate those items that are needed to meet health, safety, structural, services and fire safety requirements. Repairs that are components of the eight required items for new construction will require these inspection at the times indicated for these items. Loan funds loans for renovations can also be used for repairs that are not a health and safety requirement but are needed t to extend the life of the existing unit and prevent the need of major repairs.(ex. roof shingles, siding).

Purchasing Existing Home

Inspection will be required prior to loan approval to determine if a house meets standards and if its value is, at a minimum, equal to the amount of the loan. Code deficiencies should be corrected by the seller or purchaser by pre agreement. If the seller does not correct the deficiencies, then the purchaser (borrower) may obtain an estimate of the cost to carry out required repairs. If the purchase price plus the cost to repair exceeds the approved loan amount, the borrower must be responsible for the difference. Housing Inspectors will inspect only the house, it is the purchaser's responsibility to have "other" components such as electrical and external services inspected by the required authority.

Cost Over Runs

The 2.5% cash equity may be set aside as a "contingency fund" and used to cover the cost of unforeseen items or for cost over runs. If not required for such purpose, it may be applied to pay down the loan or any other housing related cost.

9. Re-Allocating Seized or Abandoned Units

If a homeowner defaults on a loan, Chief and Council can order an eviction and ownership of the unit will revert to the First Nation. Once a unit is seized or abandoned, the housing committee

will be asked by Band Administration to make a recommendation to Chief and Council on how the unit will be dealt with. Four options for their consideration are:

1. The original homeowner can be encouraged to make arrangements with an immediate family member that is not in possession of the house to take over his/her financial obligations with respect to the loan.
2. This unit can be offered to the next band member on the priority list with an active application on file for a housing unit who meets the criteria for loan approval. This process will be done until a band member is found that is willing to assume a loan on this particular unit instead of a waiting for a new unit. This unit could be offered for the amount outstanding on the loan or if it is an older unit a fair unit price can be negotiated. A loan may also be available for an additional amount to cover repairs that are needed to bring the unit up to minimum standards. This total loan will only include the purchase price plus the cost for needed repairs indicated in a inspection report and will not exceed the maximum loan given for new construction.
3. This unit can be tendered out for bids from any band member. Priority will be given to band members with an application on file for a new unit and meets the criteria for a new unit. If the selected band member will be using the unit for their primary unit and has never accessed the new construction fund, he/she could be offered a loan to cover needed repairs to bring the unit up to minimum standards. This total loan will only include the amount required for the needed repairs indicated in a inspection report and will not exceed the maximum loan given for new construction.
4. This unit could be repaired by the First Nation and used as an additional unit for rental purposes. This unit will be given out according to the First Nation Rental Policy.

If the unit is sold for a higher amount than what is owed on the loan, this difference will be given to the original owner who had been evicted. If the unit is sold for a lower amount than what was owed on the loan, the difference will remain on the account as a balance owing from the original owner until it is paid in full.

10. Insurance Requirements

1. The band member is responsible for their own insurance coverage and is required to provide a copy to the housing administration office on the annual basis as long as the loan is outstanding.
2. If the band member does not secure insurance coverage the band will purchase insurance on the unit and charge the cost back to the band member. The band member will be billed immediately for the coverage and will be responsible to pay the band the full amount plus

2% calculated monthly on the balance. If a repayment schedule is not agreed to or full payment is not received, loan default procedures will begin. Non-payment of this coverage will be considered as a default on the entire loan agreement.

3. Band members who have lost a home to fire and did not have adequate insurance coverage will not qualify for a loan to construct a new unit if they have previously received a new construction loan.

11. **Maintenance/Repairs**

The Homeowner is responsible for all maintenance and repairs that are needed for the up-keep and regular maintenance of their homes. Homeowners will not qualify for assistance from the First Nation Repair Policy for a period of ten years from receiving a new construction loan or a previous repair loan.

F. NEW CONSTRUCTION LOAN POLICY GUIDELINES

The availability of new construction loans is dependant upon sufficient funds being identified in the appropriate budgets as available for loan purposes by Chief and Council. These amounts are always dependent upon the financial capacity of Michipicoten First Nation to secure adequate funding.

APPLICATION AND APPROVAL PROCESS

1. Application Policy Requirements

1. A band member must be 18 years of age or older in order to be considered for any housing program.
2. Band members will be responsible to have an updated application on file with the Housing Administration Office.
3. Band members will have the responsibility to ensure that their application is updated on the annual basis. Points will be allocated according to the application on file. **Sample #3 attached.**
4. All applications will only be kept on file for a maximum period of one year. An application that has not been updated within the year will be considered inactive and removed from the priority list. This process will be done on the last day of every year. (Ex. Review applications on December 31, 1997, any applications with a date of December 31, 1996 or prior will be considered *inactive*.) *This process will eliminate a long waiting list that may have more needy people at the bottom of a list, ensure that the band member is still interested in a home, ensure their circumstances have not changed and ensure that the band member is willing to accept the responsibilities that are required to be approved for a housing loan.*
5. Once the band member has updated their application a reallocation of points will be calculated.
6. Band members will be awarded points for the set criteria which will be calculated on information on the application form and references stated on the application. Band members who have the most points on the date the applications are reviewed by Administration will be awarded first choice in receiving a loan for new construction. The Housing Committee will review all administrative recommendations in the second week of January and make recommendations on the selection of loan approvals for that current year to Chief and Council.
7. Credit checks will be done to ensure the band member has a good past credit record and that the band member is not in a position that they can not afford to cover all their payments and loan. Band members must meet this requirement to be approved for a loan. **Sample #4 attached.**
8. A Band member must have a building lot either in their name or allocated by Chief and

Council or be able to provide documentation indicating that an allocation or transfer of ownership is in process.

9. A Band member can only access this program once.
10. This loan is for a band member's primary residents only.
11. Mandatory Homeowner Training session will be set and must be attended by the homeowner prior to being accepted for a housing loan. This session will provide band members with information on policies such as estimate requirements, inspection requirements, and financial responsibilities, procedures for construction, recommended products, and general housing policies. Maintenance requirement to extend the life of the unit will be explained and identified to homeowners. Information on items such as ventilation, maximizing energy efficiency savings, general problem areas and probably will also be explained. This session will be coordinated by the housing coordinator and housing inspector.

2. **Criteria for Point Allocation**

Points will be allocated for the following criteria;

- a. One point for each band member who currently lives with the applicant and will be residing in the unit.
- b. Half a point of each non band member who currently lives with the applicant and will be residing in the unit and is a dependant of the band member on the application.
- c. Five points if the applicant's present living conditions are a hazard to their health and safety indicated by documentation.
- d. One point for each band member or dependant that results in an over crowding situation in their current residents. **Sample # 5 attached.**
- e. Two points if the applicant are currently living on the First Nation.
- f. One point if they have a good reference check (previous landlords).
- g. One point if they have a good credit rating with the First Nation.
- h. One point if they have a good credit rating overall (credit bureau).
- i. One point for each year the applicant has had an active application on file up to five years.
- j. One point for approved plans.
- k. One point for a lot that is prepared for building(access available & building area cleared)
- l. One point for complete estimates on file including water and sewage systems.
- m. One point for proof of finding for completion of unit.

If a tie should exist the application that has been on file the longest should be given priority.

3. **Selection Process**

Band Administration will prepare all point allocations for the applications which will be reviewed by the Housing Committee and they will make recommendations to Chief and Council for loan approval. This process could be done with no names corresponding to each application to ensure that the process is done in an unbiased manner.

G. REPAIR LOAN POLICY GUIDELINES

The availability of repairs loans is dependant upon sufficient funds being identified in the appropriate budgets as available for loan purposes by Chief and Council. These amounts are always dependent upon the financial capacity of Michipicoten First Nation to secure adequate funding.

APPLICATION AND APPROVAL PROCESS

1. Repair Loan Application Policy Requirements

1. A band member must be 18 years of age or older in order to be considered for any housing program.
2. Band members will be responsible to have an updated repair loan application on file with the Housing Administration Office.
3. Band members will have the responsibility to ensure that their application is updated on the annual basis. Points will be allocated according to the application on file.
4. All applications will only be kept on file for a maximum period of one year. An application that has not been updated within the year will be considered inactive and removed from the priority list. This process will be done on the last day of every year. (ex. review applications on December 31, 1997, any application with a date of December 31, 1996 or prior will be considered inactive.) *This process will eliminate long waiting lists that may have more needy people at the bottom of a list, ensures that the band member is still interested in a repair loan, ensures their circumstances have not changed and ensures that band member is willing to accept the responsibilities that are required to be approved for a repair loan.*
5. Once the band member has updated their application a reallocation of points will be calculated.
6. Band members will be awarded points for the set criteria which will be calculated from the information on the application form and references stated on the application. Band members who have the most points on the date the applications are reviewed by the Housing committee will be awarded first choice in receiving a loan for repairs.
The Housing Committee will review all active applications in the second week of January for selection of loan approvals for that current year.

7. Credit checks will be done to ensure the band member has a good past credit record and that the band member is not in a position that they can not afford to cover all their payments and loan. Band members must meet this requirement to be approved for a loan. **Sample #4 attached.**
8. Units must be the band member's primary residence and must be at least 10 years old.
9. Units that are not 10 years old and have been built to the previous First Nation subsidy level and are not built to current standards may qualify for a repair loan.
10. Band members can only access this program ten years from the previous repair loan and all previous loans must be paid in full.
11. The only repairs that qualify for this program are those that are needed to meet health, structural, safety and fire protection standards as well as repairs\maintenance items that are needed to extend the life of the existing unit. No renovations or cosmetic items will be permitted.
12. CMHC's RRAP grants will be accessed for those individuals who qualify under CMHC's guidelines and the First Nations Repair Loan will cover items that are not covered by RRAP but qualify under the Repair Loan Policy.
13. Mandatory Homeowner Training sessions will be set and must be attended by the homeowners prior to being accepted for a repair loan. This session will provide them with the information on policies such as estimate requirements, inspection requirements, and financial responsibilities, procedures for construction, recommended products, and general policies. Maintenance requirements to extend the life of the unit will also be explained and identified to homeowners. Information on items such as ventilation, maximizing energy efficiency savings, general problem areas and probable causes will also be explained. This session will be coordinated by the housing coordinator and housing inspector.

2. **Criteria for Point Allocation**

Points will be allocated for the following criteria;

- a. One point for each band member who is residing in the unit.
- b. Half a point of each non band member who is residing in the unit and is a dependant of the band member on the application.
- c. Five points if the applicant's present living conditions are a hazard to their health indicated by documents from Doctor, Community Health Professional, or a Certified Building Inspector.
- d. Five points if the applicant's present living conditions are a fire and safety hazard indicated by inspection report.
- e. Two points if the foundation system has a structural deficiency that does not meet minimum standards indicated by inspection report. Two points if the flooring systems has a structural deficiency that does not meet minimum standards indicated by inspection

- report.
- g. Two points if the wall systems has a structural deficiency that does not meet minimum standards indicated by inspection report.
 - h. Two points if the roof systems has a structural deficiency that does not meet minimum standards indicated by inspection report.
 - i. Two points if the applicant's present living conditions have an inadequate or defective heating system.
 - j. Two points if the applicant's present living conditions have an inadequate electrical service.
 - k. Two points if the applicant's present living condition have an inadequate or defective plumbing system.
 - l. One point for each band member or dependant that results in an over crowding situation in their current residents. **Sample #5 attached.**
 - m. One point if they have good reference check (previous landlords).
 - n. One point if they have a good credit rating with the First Nation.
 - o. One point if they have a good credit rating overall (credit bureau).
 - p. One point for each year the applicant has had an active application on file up to five years.

If a tie should exist the application that has the most hazardous conditions according to the inspection report should be given priority.

3. Selection Process

Band Administration will prepare all point allocations for the applications which will be reviewed by the Housing Committee and they will make recommendations to Chief and Council for loan approval. This process could be done with no names corresponding to each application to ensure that the process is done in an unbiased manner.

H. RRAP

CMHC's RRAP grants will be accessed for those individuals who qualify under CMHC's guidelines and the First Nations Repair Loan will cover items that are not covered by RRAP but meet qualifications that meet the Repair Policy.

1. The Housing Coordinator will post applications for RRAP loans as funds become available.
2. Interested applicants shall make applications to the Band Administration.
3. The Housing Coordinator will review the applications and prioritize them for submission.
4. All applicants shall be rated on the same criteria as specified in the RRAP guidelines.

I. JOB CREATION AND TRAINING

The First Nation will look at providing training in any areas where there are no qualified band members or provide information for trades that band members may benefit from. The First Nation will look at training band employees (such as housing coordinators) in any skills that they may require to fulfill the duties more efficiently.

Where the band members are responsible for hiring their own contractors they will be provided with names of qualified band members and they will be encouraged to hire band members who are qualified contractors and labourers. All outside contractors are required to make every reasonable effort to hire qualified band members during when working on the reserve.

J. POTENTIAL INCENTIVES

The First Nation will continue to look for and investigate any possible ventures in the areas of timber, sawmill, logging and gravel pits, including other ventures in the area of suppliers (building products), various building method businesses, and new products.

For incentives related to payment problems the First Nation can consider implementing a process that would give tenants or homeowners one month free rent after 11 consecutive payments which had been paid on or before the due date and the account is not in arrears.

For incentives that would encourage contributions from band members in areas of sewage and water, the First Nation can consider implementing a process that would provide loans with no

interest for 50% of the total cost of the invoice if the band member contributed the balance. Actual invoice for work completed should be required.

For incentives to encourage those band members who can afford higher payments to contribute more than the minimum payment, lower interest rates can be offered if they agree to higher payments. This would allow for the funds to be deposited back in the housing funds sooner for additional assistance to other band members.

For incentives related to renovations loans, band members can be provided with similar funds as repair loans if the band member contributes 50% of the invoice/estimates for the renovations. A maximum amount should be established for this type of loan. Renovation loans should only be provided if adequate funding is available.

L. ENFORCEMENT REGULATIONS

All regulations such as the foreclosure process, collection procedures, code compliance, etc. will have suitable consequences outlined and followed. These procedures will be properly documented and approved by Chief and Council. A copy of the procedures will be provided to band members upon request.

Should enforcement become necessary:

- i. Band Administration shall inform the Chief and Council of all situations requiring the application of the enforcement procedures.
- ii. Band Administration is responsible for ensuring that the established procedures are followed.
- iii. Enforcement should be "at arms length" and the use of independent inspectors, project officers, or by-law enforcement officers will be encouraged.

M. APPEAL PROCESS

Band members may appeal any decision made on the selection process for housing allocation, loans, and rental unit allocation. Band members must appeal within 10 days from the date of notification of the selection process. Appeals must be delivered to the Band Manager in writing.

Band Administration will have five business days to respond to the Band Member's appeal. If the appeal cannot be resolved at this level, Band Administration will then notify the Housing Chairperson who will be responsible for adding the appeal to the agenda for the next Housing Committee meeting. If a meeting is not scheduled within the following two weeks the Chairperson will call for a special meeting to deal with the appeal.

The Housing Committee will review the band member's position and the original decision. The

band member will be permitted to attend the meeting to present his/her position to the Housing Committee members. The band member will only be allowed in the meeting for the time needed to make his/her presentation and will be required to leave immediately afterwards. The Housing Committee will then review the band member's position and make a recommendation that will be sent to Chief and Council.

Chief and Council will then review the appeal and the recommendations from Band Administration and the Housing Committee in a closed session. This meeting will take place within two weeks from the date the recommendation is forwarded to Council by the Housing Committee. Chief and Council will then make the final decision on the appeal.

N. DATA BASE

A database containing information on all housing units on the First Nation should be updated annually. This database should include the number of houses, condition of units, addresses, homeowners name, lot numbers, year they were built, year repairs were done, what programs were accessed for building or repairs (First Nation loan, CMHC), loans outstanding, services available (water, sewage, roads), inspection reports and other relevant information that would be useful for the First Nation.