

Leq'á:mel First Nation



Housing Policies & Application Procedures

**Adopted in Principle by Leq'á:mel Chief & Council
March 25th, 2008**

Definitions:

In this Policy, these words have the following meaning:

- “Applicant”** means a person who is in the process of applying, who has completed the application process to obtain housing but is not yet a Tenant, or a person re-applying to obtain housing.
- “Arrears”** means any Rent still owed to Leq’á:mel First Nation by the Tenant after the Rent due date indicated in the Tenancy Agreement. And or other tenancy related cost owed to Leq’á:mel First Nation by the tenant.
- "Band"** means the Leq’á:mel First Nation as represented by Leq’á:mel First Nation Council;
- “Band Council”** means the duly elected Chief & Council of Leq’á:mel First Nation, elected pursuant to the custom election rules of Leq’á:mel First Nation;
- "Band Member"** means a person who is entered, or entitled to be entered, on Leq’á:mel First Nation membership list;
- “Band Office”** means **the administration offices of the Band located at 43101 Leq’á:mel Way, Deroche, BC.**
- "C.M.H.C."** means the Canada Mortgage and Housing Corporation, or its successor;
- “Chief”** means the duly elected Chief Councillor of Leq’á:mel First Nation.
- “Guest”** means a person who is temporarily on the Premises with the permission of the Tenant for between 0-1 days.
- “Housing Policy”** means Leq’á:mel First Nation Section 95 Housing Policies and Procedures, as amended from time to time.
- “Residential Property Department”**
Means the Residential Property Manager and the Housing Portfolio Holder
- "Immediate Family"** means a Spouse, dependent child, dependant sibling, dependent parent, or any combination of such members who make up the Immediate Family of the Tenant;

- "Intentional Damage"** means any destruction or marring of the Premises, including any act or omission that renders any part of the Premises dangerous, useless, inoperative or unsightly and occurring as the result of an intentional act or omission or negligence on the part of the Tenant or the Tenant's Immediate Family, Invitees, Guests or pets.
- "Invitee"** means any person other than the Tenant residing on the Premises with the permission of the Tenant, for a continuous period of more than 1 and less 31 days.
- "Non-Band Member"** means a person who is not entered, or entitled to be entered, on Leq'á:mel First Nation membership list;
- "Premises"** means the residential property rented to the Tenant under this Tenancy Agreement, including any improvements.
- "Rent"** means money paid or agreed to be paid by or on behalf of the Tenant to Leq'á:mel First Nation as described in the Tenancy Agreement in return for the right to possess a rental unit, for the use of common areas and for services or facilities, but does not include any of the following:
- (a) security deposit;
 - (b) Arrears
 - (c) Other debts owed by the Tenant to Leq'á:mel First Nation in connection with the tenancy.
- "Residential Property Manager"** means the person employed by Leq'á:mel First Nation to ensure monitoring and compliance with the Band's housing policy;
- "Section 95"** means section 95 of the *National Housing Act* administered by the C.M.H.C
- "Spouse"** means Tenant's husband, wife, common-law husband or wife or same-sex partner in a common-law or married relationship with the Tenant;
- "Tenancy Agreement"** means a written Agreement, between Leq'á:mel First nation and a Tenant respecting possession of a rental unit or living accommodation, use of common areas and

services and facilities, and includes a licence to occupy a rental unit.

“Tenant” means a person, who has been approved to reside in the Premises, has entered in to a Tenancy Agreement with Leq’á:mel First Nation, has a current Tenancy Agreement on file, and is not prohibited from living on the Premises by reason of the Housing Policy, the Housing Rules or the Tenancy Agreement.

APPLICATION OF THIS POLICY

In order to address the severe housing shortage on-Reserve, Leq’á:mel First Nation has chosen to enter into agreements with the CMHC and to participate in section 95 programs. Leq’á:mel First Nation has developed both Rent-Only and Rent-to-Own projects that provide low-cost housing options to residents on Reserve

There are different requirements for Rent-Only and Rent-to own programs, which are detailed in the Housing Policy. Housing policies and occupancy eligibility are determined by Leq’á:mel First Nation based on community needs and safety requirements, as well as any funding restriction and legal requirements.

This Housing Policy applies to the Rent-Only and Rent-to own social housing programs that are available on-Reserve to qualified residents:

A. HOUSING OWNERSHIP ON RESERVE

I. HOUSING PROVIDED BY Leq’á:mel First Nation IS OWNED BY Leq’á:mel First Nation

a) Initially all Housing Units and Lots are the Property of the Band

Policy: All housing units provided by Leq’á:mel First Nation are owned by Leq’á:mel First Nation and are rental or rent-to-own units. All houses and lots remain Band property until the loan has been paid out by the Tenant or Purchaser (including any arrears).

Rationale: Leq’á:mel First Nation holds the Mortgage and guarantees the house loans. Leq’á:mel First Nation signs all mortgage documents and makes a commitment to make payments.

b) Tenants may purchase Rent-to-Own Premises

- 1) When the mortgage has been paid out, Leq'á:mel First Nation will notify the Tenant occupying Rent-to-Own Premises, in writing and the Tenant may be able to arrange with the Housing Department to purchase the Premises from Leq'á:mel First Nation for \$1.00.
- 2) A Tenant can request to buy out the rent-to-own Premises from Leq'á:mel First Nation at an earlier date by paying out the Mortgage.
- 3) Requests for Rent-to-Own Housing will go through a review process prior to the end of the mortgage. This will need to look at how much Band Revenue has been invested into the home for repairs and renovations. In addition it will review how long the tenant has been in residence and any other relevant information.

Policy: Once a Tenant has completely paid off Leq'á:mel First Nation loan (including all arrears), the Tenant is entitled to purchase the Premises from Leq'á:mel First Nation for \$1.00.

Rationale: Leq'á:mel First Nation remains legally obligated to make mortgage payments until the home is completely paid for (including all Arrears).

B. RENT-TO-OWN PROGRAM:

I. RENT-TO-OWN: ELIGIBILITY

a) Only Band Members are Eligible to Apply for Rent-to-Own Housing

Policy: Only Band Members are eligible to own houses on band Reserve land. Non-Band Members may not own or acquire interest in land or property On-Reserve.

Rationale: Funding restrictions and legal requirements prevent Non-Band Members from owning homes on Reserve lands which are reserved for the exclusive use of the Band.

b) Applicants must be age 19 or older.

Policy: Ordinarily only Band Members age 19 and older may apply for housing. Single parents or young families under the age of 19

may be eligible for housing, providing they can show proof of ability to pay the Rent.

Rationale: Housing funding is limited to Band members' age 19 and older. The legal age in British Columbia, for most purposes, is 19 years of age.

c) To be eligible Applicants must have been a Tenant in one of the Band's Rent-Only units for a minimum of 2 years

Policy: Applicants who have lived in a Rent-Only unit the longest and have fulfilled all of the obligations will have a higher priority during the selection process.

Rationale: As successful Tenants, Applicants will have demonstrated that are likely to be responsible and mature enough to meet their obligations.

d) Non-Band Member may not acquire any ownership rights or interest in a Rent-to-Own Unit, and are not entitled to compensation, from Leq'á:mel First Nation, should a relationship break-up.

Policy: In the event of the break-up of a relationship with a Band Member a Non-Band Member Spouse is required to move off-Reserve unless the Non-Band Member is granted occupancy by Leq'á:mel First Nation under different terms in accordance with this policy.

Rationale Leq'á:mel First Nation cannot and will not assume any financial responsibility for housing or property disputes resulting from the breakdown of a relationship involving a Non-Band Member.

II. RENT-TO-OWN: APPLICATION PROCESS

a) Band Members must apply to be included on the housing list.

b) Applications should be submitted according to the following procedure:

- 1) Applicants may pick up a housing application and policy manual at the Band Office.

- 2) The person filling out the application should fill out the requested information as accurately as possible and make sure to indicate whether the Applicant has special needs.
- 3) The Applicant must supply 3 references, one from each of the Applicant's latest landlord, employer and a personal reference.
- 4) After completing the forms the Applicant must drop off the completed application at Leq'á:mel First Nation Band Office, including copies of the housing policy and housing rules with each page initialled by the Applicant.
- 5) If the application is mailed to Leq'á:mel First Nation Office, it must be sent by registered mail.
- 6) The Applicant is responsible for verifying that the application is dated and registered with the Residential Property Clerk.
- 7) The Residential Property Clerk will mail a reply letter acknowledging receipt of the application. If the Applicant does not receive a letter of acknowledgement within a reasonable amount of time, it will be the Applicant's responsibility to request one from the Residential Property Clerk.
- 8) Leq'á:mel First Nation reserves the right to request Criminal Records Check/Search on any new applicants.

Policy: Each year Band Members wishing to be considered for housing must submit an application by January 31st to get on the housing list for the upcoming year.

Rationale: So Leq'á:mel First Nation can make housing allocations prior to April 1st of each year.

c) Applicants are responsible for notifying the Residential Property Clerk of any change in circumstance

Policy: It is the Applicant's responsibility to notify the Residential Property Clerk in writing of any changes in address, family composition, income level or other circumstances relevant to the Application. Failure to do so, may result in the application being removed from the housing list.

Rationale: Leq'á:mel First Nation needs to be able to contact the Applicant. Also, a change in circumstance could affect the outcome of the application

d) Applicants must re-apply every year

Policy: Applicants wishing to remain on the housing list must re-apply every year until they obtain housing

Rationale: To update applications, to ensure that information is both current and accurate, and to ensure that all qualifying Applicants remain on the housing list.

III. RENT-TO-OWN: SELECTION PROCESS

a) The Residential Property Clerk will review all applications and make recommendations to the Chief and Band Council who will make the final decision.

b) Housing will be allocated to Applicants based on the following criteria, established in order of priority:

1). Family Circumstances.

In the following priority:

1. Married or common-law couples with children
2. Single parents with children
3. Elderly 60+
4. Special needs
5. Married or common-law without children
6. Single adults

2). Current living conditions.

3). Tenancy History (payment record, evidence of responsible behaviour, length of time as a Rent-Only Tenant etc.)

4). The ability to pay Rent/mortgage/utilities;

5). No outstanding debts to Leq'á:mel First Nation such as:

- i. Amounts owed by the Applicant to Leq'á:mel First Nation for damage caused to band housing, whether intentional or through negligence;
- ii. Outstanding utility bills;
- iii. Rental arrears; or

iv. Any other money owed to Leq'á:mel First Nation for whatever reason.

6). Number of times applied (one per year);

7). Date of application

8). Criminal Records Check/Search-Right to request reserved by Leq'á:mel First Nation

Policy: The Residential Property Clerk Council will select Applicants for the houses that will be available in the new fiscal year based on the established criteria. If there are not enough houses for the number of qualified Applicants, Applicants will be ranked and selected in order of priority as laid out in the list of criteria.

For new home construction only: The Family circumstances list will be reversed every third housing project to ensure that the bottom group has a chance to receive housing (as long as a project is viable).

Rationale: To ensure the process is as fair as possible.

c) The successful Applicant must be willing to enter into a Tenancy Agreement

d) The Housing Dept will communicate the Band's decision to the Applicants in writing within 5 days of reaching a decision on housing allocation.

e) Applicants who obtain housing may decline to accept housing

1) Applicants must notify the Housing Department immediately if they decide to decline housing.

2) A Notice of Refusal submitted by an Applicant is final and cannot be withdrawn, so that the next person on the housing priority list can be offered the house.

Policy: If an Applicant fails to notify the Housing Department immediately, the Applicant's actions will be taken into account by Leq'á:mel First Nation in any future application and the Applicant's priority may suffer as a result.

Rationale: Applicants can change their mind, but there are other people on the list waiting for housing and their needs should be respected.

C. RENT-ONLY PROGRAM:

I. RENT-ONLY: ELGIBILTY

- a) Both Band Members and Non-Band Members are eligible to apply for housing under the Rent-Only program.**

Policy: Leq'á:mel First Nation may grant occupancy of a home to a non-Band Member if that occupancy does not confer any ownership rights or interests. The home must belong to Leq'á:mel First Nation.

Rationale: Non-Band Members do not have unconditional rights to any property located On-Reserve.

- b) Applicants must be age 19 or older.**

Policy: Ordinarily only Applicants age 19 and older may apply for housing. Single parents or young families under the age of 19 may be eligible for housing, providing they can show proof of ability to pay the Rent.

Rationale: Housing funding is limited to Band members' age 19 and older. The legal age in British Columbia, for most purposes, is 19 years of age.

II. RENT- ONLY: SECURITY DEPOSIT

- a) If the Applicant is a Non-Band Member, the Applicant will be required to pay a security deposit in the amount equivalent to one half (1/2) of the monthly rent to Leq'á:mel First Nation, no later than the day the Tenancy Agreement is signed.**

III. RENT-ONLY: APPLICATION PROCESS

- a) Applications accepted to be held on file from both members and non-members. Will be considered current/valid for the current calendar year that is received.**

IV. RENT-ONLY: SELECTION PROCESS

a) Applications will be considered in the following order:

- 1. Members**
- 2. Non-members**

D. RENT-TO-OWN and RENT-ONLY PROGRAMS:

I. APPEAL PROCESS

Policy: Any applicant whose Application is refused by the Band may appeal the decision

The request for appeal must be made in writing by the applicant to the Chief & Council, within 5 working days of having received the refusal for tenancy from the Residential Property Clerk.

The Chief & Council must hear the appeal within five (5) working days of receiving the Applicant's request.

Rationale: To ensure that the unit in question is not held up at Leq'á:mel First Nation Band Revenue's expense

Policy: The request must be in writing and must describe the reasons for the appeal. The Appeals timetable will be strictly adhered to.

Rationale: Appeals should be dealt with efficiently and with minimum delays.

II. OBLIGATIONS PRIOR TO OCCUPANCY

a) Prior to moving into a new house, all selected Rent-To-Own or Rent-Only Applicants must meet with the Residential Property Clerk to:

- 1) Conduct a pre-occupation inspection of the Premises and complete a pre-occupancy inspection report to be signed by both parties.
- 2) Review Rent payment schedule.

- 3) Review of housing Sec. 95 Policies and Procedures and all the agreements to be signed by Applicants, as part of their New Tenant or Future Homeowner Training.
- 4) Sign the Tenancy Agreement.
- 5) Notify the Residential Property Clerk in writing of any changes in income.
- 6) In the event of a Rent-Only Tenancy where the Applicant is a Non-Band Member: Pay the deposit.

Policy: All new Tenants and future home-owners are required to read and ensure that they understand all signed Agreements, Policies and Rules. No tenants will be permitted to occupy a new house until the Housing Agreement and related documents have been signed by the Tenant and Leq'á:mel First Nation.

Rationale: To ensure both parties are aware of their respective responsibilities and to provide new Tenants with the knowledge and basic skills to maintain their residence.

III. CONTINUED OCCUPANCY

a) All Rent-to-Own or Rent-Only Tenants must sign a Renewal Agreement on or before the end of the term of their lease.

Policy: To maintain occupancy, all Tenants are required to have a current Tenancy Agreement on file. Verification of income form (old program) by April 1st of each year, this may not be a requirement under the new program.

Rationale: To ensure Tenant information is current and that Tenants are up to date on all policies.