Lucky Man Cree Nation

CAPITAL HOUSING POLICY

TABLE OF CONTENTS

1. PURPOSES AND PRINCIPLES 1
2. APPLICATION OF POLICY 2
3. AMENDMENTS 2
4. DESIGN AND CONSTRUCTION STANDARDS 2
5. SITING STANDARDS 3
6. HOME APPLICANTS 3
7. APPLICATION PROCESS 4
8. PRIORITY GUIDELINES FOR ALLOCATING HOUSES 4
9. BAND RESPONSIBILITIES 5
10. HOUSEHOLDER RESPONSIBILITIES 5
11. CONDEMNED HOUSES 7
12. RENOVATIONS 7
13. PRIORITY GUIDELINES FOR RENOVATIONS AND REPAIRS 7
14. ON-RESERVE HOME PROFILES 8
15. HOME OWNERSHIP 8
16. VACANCIES 9
17. APPEALS 9
18. COMING INTO FORCE 9

APPENDIX 1: HOUSING COUNCILLOR 10

APPENDIX 2: HOUSING APPLICATION FORM 12

APPENDIX 3: RENOVATION APPLICATION FORM 13

This CONFIDENTIAL document is the property of the LUCKY MAN BAND and is for the information of Band members only. Reproduction in whole or in part is strictly forbidden. Any infringement may lead to civil litigation.

General Statement

This housing policy is intended to provide a guideline to the Cree Nation members in administering their housing program on the Reserve.

To achieve the goal of better housing in the future years, membership must recognize the importance of this Policy and its implementation processes.

1. Purposes And Principles

The purposes and principles of this policy are:

a) The administration and procedures as stated will be governed primarily by the Lucky Man Cree Nation Band Government;

b) To meet the residential needs of the Lucky Man Cree Nation members to its maximum extent possible;

c) To define clearly the responsibilities of the Lucky Man Cree Nation and Band Members residing in on-reserve dwellings;

d) To give eligible Band Members and their families the opportunity to become involved in the entire housing process;

e) To implement policies and procedures that will apply to all existing and future dwelling units located on the Lucky Man Cree Nation Reserve;

f) To establish criteria and procedures for Band Members toward home ownership of Band houses;

g) To provide each Band Member/family living on-reserve with a high standard single or multiple dwelling unit;

h) To establish housing files containing the history of repairs, and all costs for all existing and all future dwelling units on the reserve;

i) To empower the Lucky Man Cree Nation Council, as well as other necessary personnel, to the management and operations of the Housing Portfolios; and

j) To establish criteria for decision making processes concerning:

   i) The priorities in allocating new and existing houses;

   ii) The priorities for renovations or repairs to houses; and

   iii) The responsibility of the Band and householders to upkeep and maintain housing units and sites.

k) Band members shall occupy only one house on the reserve.

l) Band members may own only one house on the reserve.

2. Application Of Policy

a) This policy shall be valid provided a majority of the total members that attended the band meeting of the Lucky Cree Man Nation have voted affirmative. All members voting must be at least twenty-one (21) years of age.

b) This policy shall apply to all homeowners/occupants of existing homes, and future housing applicants on the Lucky Man Reserve.

c) Should any inconsistencies or conflicts arise between the homeowners/occupants or other individuals and this policy, the Cree Nation Council's decision(s) shall take precedence.

3. Amendments

a) The Housing Policy of the Lucky Man Cree Nation will be reviewed at least once in a calendar year.

b) Any resolutions or amendments to this policy must be presented to the Lucky Man Cree Nation Council and ratified by a majority of the total members that attended the band meeting of the Lucky Man Cree Nation. All members voting must be at least twenty-one (21) years of age.

c) Amendments to this policy by any member of the Band must be communicated in written form at least three (3) weeks prior to a general Band meeting.

d) Amendments to the Lucky Man Cree Nation Capital Housing Policy may only be submitted by Lucky Man Cree Nation Band Members.

4. Design And Construction Standards

a) New houses and renovations will be designed and built to health, safety, and construction standards, in accordance with the National Building Code.

b) Inspections shall be made before the work commences in order to determine the extent of the work and its approximate cost.

c) The Housing Inspector must approve, according to accepted design and construction standards, the site prior to construction, and the

construction phases of new houses or renovations, both prior to and during construction.

d) The Housing Inspector must work in conjunction with the Housing Co-ordinator and general contractors to ensure that the health, safety and structural standards of all new homes and renovations are met.

e) Design and construction plans may vary according to householders needs, personal contributions, and the financial capabilities of the Lucky Man Capital Housing Program. Considerations in the design and construction of dwelling units for disabled persons will be implemented where necessary.

5. Siting Standards

a) New houses, and houses relocated to the townsite, shall be situated on designated residential lots in accordance to the Lucky Man Cree Nation Community Plan.

b) New houses, and houses relocated to rural sites, shall be situated on designated rural sites in accordance to the Lucky Man Cree Nation Community Plan.

c) Wherever possible, houses shall be situated upon their sites so as to take maximum advantage of passive solar heating.

d) All houses shall be constructed with a full basement and not crawl space unless first approved by the Lucky Man Cree Nation Council.

6. Home Applicants

a) Applicants must be Band Members who are of twenty-one (21) years of age or older.

b) Applications for new houses shall be submitted on such forms as may be designated for that purpose by the Lucky Man Cree Nation Council.

c) Applications must be submitted to the Housing Co-ordinator prior to January 1st of the year in which the applicant requests a new house.

d) Applications must be updated yearly.

7. Application Process

a) Applicant completes appropriate application form and submits it to Band Council.

b) Lucky Man Cree Nation Council will acknowledge, by written notice, their receipt of the application. All information will be kept on file and will be reviewed by the Band Council. The applications will be evaluated based on the criteria outlined in Section 8 - Table 1 of this policy document.

c) Applicant will be notified by letter regarding the decision of the Lucky Man Cree Nation Council.

d) All approved applications may contain conditions, specific terms, and time stipulations. If the applicant is in agreement, he/she will notify the Housing Co-ordinator, in writing, of his/her acceptance of the terms.

e) Applicant may appeal the decision of the Lucky Man Cree Nation Council within (10) days of receiving written notice of rejection of their application. Any appeals will be taken to the Lucky Man Cree Nation Council. The decision of the Band Council shall be final.

f) All approved applicants will be provided with pre-ownership counselling encompassing such things as subsidy availability, the implications of borrowing money, home maintenance costs, assistance with house designs, selection of site location and placements, and home-ownership responsibilities.

g) If the applicant already occupies a Band house, he/she must provide a release form to the Lucky Man Cree Nation Council, releasing the existing house before receiving the new house.

h) If, after receiving approval, the applicant refuses a house for that particular allocation year, then that person shall forfeit all his/her accumulated points derived from the previous years that he/she had waited. (See Section 8.d.)

i)

8. Priority Guidelines for Allocating Houses

Factors to be assessed:

a) Applicants annual income.

b) Number of people in home.

c) Age.

d) Job Security: unemployed, part-time, seasonal, full-time.

e) Marital Status.

f) Physical Status.

g) Applicant's waiting period.

See Appendix 2 for form.

9. Band Responsibilities

a) Lucky Man Cree Nation will be responsible for all back filling and leveling of the new property. A driveway access to the property from the road will be provided based on the finances of the Lucky Man Housing Program.

b) The Lucky Man Cree Nation will be responsible for repairs to Band houses resulting from:

i) Natural deterioration caused by wear and tear of the elements including: rotting walls, joists, flooring, and damaged foundations;

ii) Damage to the house caused by improper construction, siting, wiring and plumbing;

iii) Damage as a result of any natural disaster, including floods, lightning, tornado, earth slides, earthquakes, naturally caused grass or forest fires, and unusual storm damage; and

iv) Major renovations and repairs such as the provision of plumbing, heating, additions or extensions, or major structural work to the limit of the annual budget appropriated for this purpose. Lucky Man Cree Nation will utilize CMHC, RRAP, and any other funding source that may be available. The priority for this work will be determined on an annual basis by the Lucky Man Cree Nation Council.

c) The Lucky Man Cree Nation will be responsible for the water and sewer payments and garbage disposal services for all on-reserve dwellings. The Lucky Man Cree Nation may, at their discretion, incorporate some or all of these charges to the individual householders.

10. Householder Responsibilities

a) The householder will be responsible for:

i) Landscaping;

ii) Lawn Cutting;

iii) Seeding site;

iv) Maintaining their site so that it is free and clear of unsightly debris, including discarded vehicles and garbage;

v) Any additional landscaping or site improvements (i.e. fencing) which the householder may deem necessary;

vi) Repair or replacement to the roof, except as specified in 9.2 above; and

vii) General upkeep and maintenance of the house including: furnace inspections, painting, routine repairs, replacement of furnace filters and chimney cleaning;

b) The householder shall be responsible for repairs and/or renovations required as a result of:

i) Unnecessary abuse to the premises or parts thereof as a result of carelessness, misuse or malicious mischief, including non-accidental fire damage;

ii) Damage to the house caused by vehicles, including machinery, private cars or trucks, motorcycles, or snowmobiles;

iii) Damage caused by persons to the house or any of its parts including: windows, frames, doors, door knobs, interior and exterior walls, stairs and roof; and

iv) Damage done to the house while it is vacant.

c) After allocation of a newly built home, no repairs/renovations shall be provided for a period of six (6) years, or until the home shows a natural deterioration caused by wear and tear and/or natural elements. In this case, materials only may be provided, by Lucky Man Cree Nation, to capable individuals to fix the house. Labour costs are the responsibility of the Householder.

** Special consideration may be given to pensioners and disabled persons for Sections 10.a, 10.b, and 10.c.

d) Failure by the householder to abide by the above responsibilities, shall result in a written notice being served by the Council stating that the householder must complete the necessary tasks within seven (7) days. If the tasks are still not completed after seven days, the Band, as a last resort, will arrange to have the work

completed and will recover all costs incurred in doing so from the householder.

e) The Householder is also responsible for:

i) The payment of any outstanding loans, grants, or financial charges that he/she has made to their dwelling place and premises.

ii) All insurance costs for individual contents.

iii) All utility costs, including electricity, heating, telephone, and any other service charges.

11. Condemned Houses

a) In the event an existing house is not livable due to health and safety reasons:

i) Consideration may be given to retaining existing house if it will be used as a place of residence and this consideration is dependent on fire safety requirements; and

ii) Existing house being retained will not hinder the proper installation of sanitation facilities and systems.

b) Condemned houses may be sold by the Lucky Man Cree Nation Council to individual Band members or tendered out for scrap lumber.

12. Renovations

a) Applications for repairs shall be submitted on such forms as may be designated for that purpose by the Lucky Man Cree Nation Council.

b) Priority for repairs or renovations shall be determined according to the criteria outlined in Section 14.

c) Renovations will be considered once every five (5) years, or in the case of newly built houses, after an initial six (6) year period, based upon reasonable usage of the house.

d) Renovations will not exceed six thousand (6000) dollars.

13. Priority Guidelines for Renovations and Repairs

Factors to be assessed:

a) Condition of house.

b) Age of house.

c) Number (#) of occupants per size of house.

d) Householders past upkeep record.

e) Age of applicant.

f) Physical Status.

g) Applicants Waiting Period.

h) Single Person.

See Appendix 3 for form.

14. On-Reserve Home Profiles

a) A housing file/database for each reserve house shall be developed and maintained by the Housing Co-ordinator.

b) The value for each house shall be determined by a home appraisal for the purpose of insurance, agreement for home ownership, and assessing improvement costs to homes.

c) The Housing Co-ordinator shall be responsible for maintaining a lay-out or map of the reserve indicating the correct location, and house number of each dwelling with an attached list indicating the current occupants. A copy of the map and attached list shall be forwarded to the Police Department, Fire Department, and Ambulance Service and other relevant agencies requiring the information.

15. Home Ownership

a) Existing houses on reservation land, built by the Lucky Man Cree Nation are the property of the Lucky Man Cree Nation and shall be considered to be Band Houses.

b) At this time the occupant shall be allowed the option of owning his/her home as long as the house is not removed from Reserve Land.

c) If and when the occupant assumes ownership of the house, the Band is no longer responsible for any repairs, renovations, or maintenance to the house and property.

d) Band members may own only one house on the reserve.

16. Vacancies

a) Residents vacating Band houses must advise the Housing Co-ordinator in writing, prior to their departure, as to whether the vacancy is temporary or permanent.

b) Householders who temporarily vacate their homes are responsible to ensure that house and site maintenance is provided for in the duration of their absence.

c) Houses left vacant, without notice for a period of two months or more, shall be considered as permanently vacated.

d) Permanently vacated houses shall be reallocated, by the Lucky Man Cree Nation Council, according to the priority list in Section 8 of this policy.

e) Residents vacating a house may receive reimbursements for improvements they have made to the house. The Lucky Man Cree Nation Council shall arrange for an appraisal to be done by the Housing Inspector, to assess the current value of the improvements, and an estimation of any necessary renovations. The reimbursement will be derived by the assessed home improvements, minus the cost of the renovations required.

17. Appeals

a) Within 30 days after a decision made by the Lucky Man Cree Nation Council, an appeal can be made by any householder, applicant or elector of the Lucky Man Cree Nation. A person may lodge the appeal by forwarding the written notice, with the particulars to the Chief and Council.

b) Where an appeal is received, the Lucky Man Cree Nation Chief and Council shall deal with the matter at the next regularly scheduled Band Council meeting. The decision of the Chief and Council on the appeal will be final and binding.

18. Coming Into Force

This Housing Policy comes into force on the day of approval of the Policy by the Lucky Man Cree Nation general Band Membership.

Appendix 1

Housing Councillor

1. Appointment of the Housing Councilor is by the Chief and Council.
2. The Housing Councilor shall not profit from the housing program or policy without the express knowledge and approval of the Lucky Man Cree Nation Council.
3. Vacated Office

   A person ceases to be a Housing Councilor when he/she:

   a. Submits his/her resignation to the Council and Chief.

   b. Is absent for three (3) consecutive posted Council meetings without justification.

4. Housing Councilor

   a) The Housing Councilor is authorized to assist the Council in the planning, organizing, coordinating and implementing of the housing program. The Housing Councilor may also be assigned to other tasks by the Lucky Man Cree Nation Council when necessary.

   b) This person will be viewed as a staff member and shall be subject tot the Lucky Man Personnel Policy Manual and its regulations.

5. Eviction of Householder(s)

   a) It is generally understood amongst the Band and its membership that all Band houses, located on the reserve, are owned by the Band. More importantly, the Band is responsible for the continual up-keep and maintenance of all its dwellings. In view of this fact, and to protect the public interests of the Band, the Band reserves the right to evict a householder or occupant.

   b) The Lucky Man Cree Nation Council may serve a minimum 30 day eviction notice to the householder or occupant. Immediate eviction or shorter term eviction notice may be required, to protect the house from any further damage or destruction (e.g. Arson).

   c) To proceed with eviction notices, the following criteria will be the basis for eviction notices:

      i) Repeated abuse and damages to house;

      ii) Regular and serious vandalism and mischief to the community and/or the Band's other properties;

      iii) Repeated abandonment of the house;

iv) Refusal by the householder to pay service charges or other such fees as set by the Band;

v) Repeated cases of criminal activities within the house.

Appendix 2

Housing Application Form

Name _____

Address _____

_____

Factors Considered	Points	Percentage Weight	Totals
Applicants annual income 1 point per dollar earned (before taxes)		20	
Number of people in home 1 point per dependent		1	
Age 1 point per year		1	
Job Security Unemployed - 1 point Part-time - 2 points Seasonal - 3 points Full-time - 4 points Disability Pension - 4 points		15	
Marital Status Married to a band member – 5 points Married and spouse is treaty – 5 points Married and spouse is non-treaty – 3 points Common-law partner is band member – 3 points Common-law partner is treaty/non-treaty – 2 points Single Parent – 1 point Single Person – 1 point		10	
Physical Status Good Health – 1 point Permanently Disabled – 3 points		25	
Applicant's Waiting Period 1 point for each year		1	
TOTAL POINTS	-	-	

A total weight of 100% is allocated with respect to the following elements:

Age	30%
Physical Condition	25%
Income Status	20%
Job Security	15%
Marital Status	10%

These weights can be altered according to the level of significance for each element. From the proposed formulation, houses are more likely to be allocated to those who are aged and physically disabled. Income status and applicants with Job Security would be considered next. Housing allocations will be given on emergency purposes, without considering the above criteria and priorities.

Appendix 3
Renovation Application Form

Name _____

Address _____

_____

Factors Considered	Points	Percentage Weight	Totals
Condition of House Minor changes – 5 points Major changes – 10 points Emergency changes – 20 points		40	
Age of House 1 point per year AFTER 7 YEARS (ie. Home 8 yrs, you get 1 point)		1	
Number of occupants x Number of Bedrooms 1 point per occupant x 1 point per bedroom		30	
Householder's past upkeep record Good – 20 points Average – 10 points Bad – 0 points		1	
Age of applicant 1 point per year / 10 (ie. 29 years/10 = 2.9 points)		20	
Physical Status Good Health – 1 point Permanently Disabled – 3 points		10	
Applicant's Waiting Period 1 point for each year		1	
TOTAL POINTS	-	-	

A total weight of 100% is allocated with respect to the following elements as per priority weight:

Condition of House	40%
Number of Occupants	30%
Age of Applicant	20%
Physical Status	10%

These weights can be altered according to the level of significance for each element. From the proposed formulation, renovations are more likely to be allocated to those who are aged and physically disabled. Income status and applicants with Job Security would be considered next. Renovation allocations will be given on emergency purposes, without considering the above criteria and priorities.