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Lake Cowichan First Nation

HOUSING POLICY

-Housing Policy - April 2011

Effective date: _____

Approved by: _____

Date signed: _____

Housing Policy

Mission Statement

The Lake Cowichan First Nation (LCFN) wish to provide its members with adequate, quality housing that will satisfy the community's needs. Wherever possible; LCFN will incorporate sustainable building methods and green technologies.

Background

In order to take a proactive approach to housing; LCFN has developed a housing policy that will look at implementing housing regulations while providing inclusive decision making with the LCFN community. Community members (as part of the Housing Committee, or through other community driven decision models) will work with administration and make recommendations to Chief and council. All involved will work to develop the housing infrastructure and help build capacity and work towards self sufficiency. By ensuring good communications all involved will share in the responsibility of developing and implementing an understandable policy that is applicable to all members.

Guiding principles

- To work toward providing safe and self sustaining homes
- To provide a fair process to account for all community housing
- To work towards good governing practices that will provide a well run housing program
- To provide equitable homes in fair market value.
- To provide a fully accountable program that provides transparency to the community.

Amendments

A cursory review of this policy will occur every year. All proposed changes/amendments will be presented by the Housing Coordinator/Administrator for discussion and approval from Chief and Council and the LCFN Community where applicable.

Role of Chief & Council

- To delegate authority to (or act as the in some cases) the Housing Committee for review of applications and directions of Housing program.
- To ultimately be responsible for providing safe and affordable housing choices within the resources of the Band
- To review annually: new fiscal year budget, present year agreements and all policies relating to Housing.
- Review annually Guidelines for Housing committee that includes:
 - Size of committee
 - Housing committee mandate
 - Process/delegation that is followed
 - Communication with Council
 - Reporting process by the committee to whom and when.

Role of Housing Committee

- Provide recommendations with regards to all housing matters to Chief and Council.
- Will review and understand their mandate annually
- Will review and/or revise their terms of reference annually
- Will review a process of decision making and recommendation process annually.
- Will meet with Housing management and/or Chief & Council as required to ensure good communication and smooth operations of

program.

- Will meet quarterly (or as required) to hear and/or discuss any complaints or other housing related issues.

Role of Housing Management

- Will follow all policies provided by Lake Cowichan First Nations that includes Financial accountability, Accountability to members and Lake Cowichan Housing Policy
- Housing management will be responsible to implement and enforce Policies & Procedures while following good governance practices and Code of ethics.
- Housing management will deliver housing programs and services to the community in a responsible and timely manner.
- Housing management will manage community housing assets in a professional manner while following the Housing and Governance policy.
- Housing management is directly responsible to ensure that rent is collected on time.
- Housing management will maintain the housing stock of the LCFN and will be responsible for the management of the Replacement Reserves associated with each series of housing stock.
- Housing management will ensure that good communications are kept with both the Housing committee and Chief & Council.
- Housing management must ensure that proper insurance coverage is purchased by Band, by property owner or in a combination as negotiated.
- Housing management will be responsible for reporting to the funding agencies

Role of applicant

- The applicant must be willing to participate on information review and/or sessions and must participate in orientation of housing program.
- The applicant must be willing to review and sign an agreement with all legal and appropriate agreements as required. Agreement may include:
 - Rental agreement
 - Repayment agreement
 - Arrears Repayment Agreement
 - Sublease Policy Agreement
- On completion of orientations process applicant must sign in acknowledgement on their role in a default situation
- Must be willing to attend annual homeowner's update and maintenance workshops.
- The applicant must be willing to work with band or ensure independent insurance coverage prior to occupancy of home and must be maintained and kept current.
- Must ensure timely payment of rent is performed each and every month of the term of the rental agreement.

Eligibility and applications

- Applicant must be a Lake Cowichan Band Member
- Will be subject to an income verification process prior to approval.
- To make application - Band member first must apply in writing
- Notifying band of desire to make application and provide information of applicable information pertaining to those that will be residing in the house.
- Applicant must make self available to review income status and review criteria for application.

Repayment/Rent Collection

- Rents will be collected in a timely manner, by first day of each month
- Collection follow up will be under the direction of the Housing management
- Rental rates will be set by Chief & Council following recommendations from the Housing committee
- Formulas for rent will be followed until a review is done and changes are made in writing.
- Income verifications will be done annually and adjustments can only be done on that annual basis.
- Tenants who refuse income testing are charged maximum LEM
- If new housing is from the Social Housing program, then no income testing is required
- Adjustments must be negotiated in order to allow for maximum shelter allowances to cover costs
- Social Housing programs will be reviewed annually to ensure maximum rent is covered.

Individual Home Ownership Policy

Eligibility

All LCFN members aged 18 years and older are eligible for individual home ownership.

Eligible Activities that are covered under this policy include the following:

- The construction of new housing for LCFN members
- The replacement of houses that are 40 years and older and in demonstrated

need. Those considered must be able to demonstrate insurance coverage prior to being approved.

- No consideration will be made for those that are in arrears.

Waiting List

The Housing Coordinator will require a written application by March 31st of each year to determine eligibility. The applicant will be notified in writing of the result of their eligibility.

LCFN will maintain a waiting list that will be updated on an annual basis.

Applications must include the following:

- Evidence that the applicant has financial ability to pay all debts with the total debt payment not exceeding 35% of gross earnings.
- Current favourable credit report
- Identified house plans and contractor
- Serviced lot

Approval

In order to be approved for the Individual Home Ownership program all of the above must be completed. Once the above is met, then a ministerial guarantee from INAC will be sought by LCFN Chief and Council on behalf of the homeowner.

Potential borrowers with CP's are required to transfer their right, title, and interest for the land in exchange for the security for the loan. Housing subsidies will only be granted in the fiscal year that it is available.

House Construction

All construction must conform to the most recent BC building codes as a minimum standard.

The construction of the house must be completed within 18 months of receiving the housing grant.

All homes will be subject to an inspection schedule (schedule __). This will be done

through various critical stages of the building process (foundation, electrical, plumbing, etc.) to ensure that the home is meeting minimal code compliance. The homeowner is responsible for covering such inspection costs.

If homes are built without the First Nation's support there must be a level of cooperation with the Housing Coordinator to share the house plans, inspection schedule, contractor, etc.

All service connections are the responsibility of the homeowner.

In the event that the owner is deceased before the home is paid off; the house will be considered part of the estate. Payments will then be expected from the heirs until the house is paid in full.

SOCIAL HOUSING

Eligibility

All LCFN members aged 18 years and older are eligible for individual home ownership.

Eligible Housing Activities

- Single parent family homes for LCFN members
- LCFN owned rental units for elders and single adults

Point system

Waiting Time

Received this Year	5
Waiting 1 to 4 Years	10
Waiting 5 Years or More	15

Household Type

Family with Children	15
Single Parent Family	15
Elder	10
Disabled	10
Couple	10
Single	5
For Homeless Households add	5

Household Size	
Overcrowded (more than 2 people/bedroom)	15
Overcrowded (2 people/bedroom)	10
House Condition	
Condemned/House Un-inhabitable	20

Construction of Social Housing

All Social Housing units will be constructed to the BC Building Code as a minimum standard.

General

Tenants shall not rent or sublease their homes to others.

If there is a relationship breakdown the custodial parent (of all LCFN children) will remain in the home. If there is no LCFN children in the home; then the LCFN will retain tenant status.

The Housing Coordinator will provide a monthly and annual balance of account to all members residing in the Social Housing units.

RENT TO OWN

Purpose

To provide an alternative to Social Housing and Individual Ownership.

This option will be geared towards those that have sufficient monthly income to afford monthly mortgage payments; but cannot come up with a down payment.

Description

LCFN will assist in securing conventional financing through a conventional lender.

LCFN will then lease the home to the LCFN member; who will then become the tenant/owner. The housing type will be determined based upon LCFN's ability to finance the home. All options may be considered.

Eligibility

All LCFN members aged 18 years and older are eligible for individual home ownership.

Sufficient income to afford mortgage, maintenance, and insurance until paid off. A credit check is mandatory prior to any approvals/screening.

Application Waitlist

Point system

Waiting Time

Received this Year	5
Waiting 1 to 4 Years	10
Waiting 5 Years or More	15

Household Type

Family with Children	15
Single Parent Family	15
Elder	10
Disabled	10
Couple	10
Single	5
For Homeless Households add	5

Household Size

Overcrowded (more than 2 people/bedroom)	15
Overcrowded (2 people/bedroom)	10

House Condition

Condemned/House Un-inhabitable	20
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General

- Tenants cannot sublease the premises without the expressed consent and permission of the LCFN.
- The tenant/owner will be responsible for paying a monthly payment to LCFN that covers the mortgage principal, insurance, damage deposit, and maintenance.
- SEE HOUSING PAYMENT POLICY FOR FURTHER DETAILS
- The tenant is responsible for their own unit as described in the Maintenance and Insurance Policy.

- The tenant/owner will assume ownership of the house in question once the mortgage is paid in full.
- If the tenant moves out prior to the end of the contract, an appraisal will be performed by the LCFN to determine a new purchase price for the new tenant.

RENTAL HOUSING

Tenant and Landlord Rights and Responsibilities

1. Tenants' Rights:

- The right to live in decent, safe and sanitary housing.
- The right to have repairs performed in a timely manner, upon request, and to have a quality maintenance program run by management.
- The right to safety and access renovations based upon available funding.
- The right to be given reasonable notice, in writing, of any non-emergency inspection or other entry into your home.

2. Tenants' Responsibilities:

- Complying with the rules and guidelines in the Tenancy Agreement.
- Paying the correct amount of rent on a timely basis each month.
- Providing accurate income information annually to determine your rental charges.
- Conducting yourself in a manner that will not disturb your neighbours.
- Not engaging in criminal activity in your home or the surrounding area.
- Keeping your home clean and not littering the grounds.
- Keeping your home and yard free of derelict vehicles, trailers, and household appliances.
- Disposing of garbage and waste in a proper manner.
- Complying with local codes that govern the health or safety of the residence.
- Maintaining your home in the same general condition as when you moved in.
- Reporting any defects in building systems, fixtures, appliances or other parts of your home to the Housing Manager.

3. Landlord's Responsibilities:

- The Lake Cowichan First Nation (your Landlord) is responsible for keeping your home healthy, safe and “suitable for occupation”. The HFN is responsible for making any repairs that are needed for your health and safety including repairing: heating, plumbing, electricity, locks and walls, floors and ceilings, **provided that the damage was not caused by the tenant or visitors to the tenants home.**
- The LCFN is also responsible for repairing the fridge, stove, and laundry facilities as long as they have been maintained.

PAYMENT POLICY

Purpose

LCFN members in any type of rental/social housing will be required to remit monthly payments to the LCFN office for the length of time that they resided in a LCFN owned housing unit; or until they pay the mortgage off in full.

Housing Charge

The housing payment will be comprised of the following:

- Principal
- Maintenance & Insurance (building only) – A maintenance fee will be included with the monthly payment. These funds are intended to assist with any maintenance issues that may arise throughout any given year. Funds not used in any give year will be carried forward to the next year and subsequent years (if applicable) for future needs. Those that individually own their homes will be responsible for their own maintenance, except those outlined in the Maintenance and Insurance Policy.

Payment Details

All payments are due to the LCFN office on the 1st of the month.

Homeowners/tenants who end up relying on Social Assistance to make their payments will be provided with 9 months of eligibility. Although tenants might have no other option but to stay on SA, after 9 months the SA supported payments will no longer be eligible to reduce the mortgage principal on behalf of the tenant.

The LCFN will continue paying on their behalf, but the months will have to repaid in order to gain ownership.

If payment has not been received after 5 business days following the 1st of the month, a letter notifying the tenant that payment hasn't been received will be sent. If payment has been received within 5 days of the above letter; no further action will be required.

If payment is not received after 10 days; a home visit will be made to discuss options of repayment and terms. If repayment schedule is adhered to and payments are made in accordance until the outstanding amount is paid off; no further action will be taken.

If payment is still not made or the repayment schedule is not followed; a second home visit will occur in which the tenant/homeowner will be given a list of further actions that will be taken (i.e. garnishee of wages; threat of eviction, etc.) If the account is brought up to date after the 2nd visit, or the repayment plan is being followed; no further action will be taken.

If incompliance continues after the 2nd visit the housing coordinator will report out to Chief and Council the details of the steps taken to correct the arrears as well as the amount owing. Accompanying this report will be a recommendation (usually eviction, removal from property, or regaining legal possession).

If two monthly payment are missed without authorization from the LCFN office, the above process will automatically begin.

RENOVATION POLICY

Purpose

LCFN will administer the renovation program by reviewing and prioritizing applications on a quarterly basis and/or as funds permit.

Eligibility

- Must be a LCFN member
- House must be located on LCFN lands
- A professional inspection and estimate (at least 2) must accompany a renovation request. Financial support to undertake this may be considered, but is not guaranteed.
- Priorities
 - Age of House
 - Level of Equity provided
 - Maintenance provided

- Urgency of repairs (Health and Safety)
- Length on waitlist
- Disability

Renovation Activities

The following is what would qualify for renovation funding. Repairs or Replacement of:

- Roof
- Windows
- Doors
- Panelling
- Electrical
- Plumbing
- Heating
- Insulation
- Kitchen & Bath (fixtures not appliances)
- Floors
- Cabinets
- Foundation
- Siding

**Faulty electrical, plumbing, etc, will be deemed emergency in nature.

***Any other type of repair in which failure to do so could result in life threatening scenarios, will also be deemed an emergency.

For such emergencies, LCFN will attempt to have them fixed within 10 days.

Renovations required due to neglect or abuse will not be eligible under the LCFN program. These will be costs in which the homeowner is responsible for and include: Broken windows, holes in drywall, torn/holes in floor/carpet, cigarette burns, etc.

Esthetic repairs (redecorating; replacement of flooring with no underlying cause) will not be considered.

Priorities

Any request from an elder (60 +) will be dealt with as a top priority. All other requests will be subject to the following table.

Housing Policy - Code of Ethics

This Code of Ethics are guideline of the moral quality of how the committee will work together. These guidelines include the following:

- the Housing Management, Housing committee, and all other participants will carry out the program in a business like and professional manner.
- All actions of those involved in the Housing program will maintain and enhance integrity, dignity and respect of the Lake Cowichan people.
- All involved will use their time efficiently and work together with an open mind for fairness.
- No one involved will make public statement, without full direction of Chief and Council.
- No one involved will display disloyalty in slanderous or unethical manner. (No slanderous remarks or hurtful behaviour)
- No one involved will endanger Lake Cowichan First Nations' credibility or public image. (No gossip)
- LCHC members will treat each other with respect and will treat community members with respect
- LCHC members will conduct only healthy conversations and will not tolerate abusive behaviour from community members.
- LCHC members will attend meetings promptly and be courteous if late.
- LCHC members will not miss more than 3 consecutive meetings or will notify the Chairperson for reason of missing meetings due to health and/or family emergency

LAKE COWICHAN HOUSING COMMITTEE

Terms of Reference

STRUCTURE AND COMPOSITION

- a. The Lake Cowichan Housing Committee (LCHC) will be comprised of threemembers of the community.
- b. Members will represent the families in the community
- c. Council can participate on the committee, but will have no vote

APPOINTMENTS

- a. Committee members shall be appointed by the Chief & Council.
- b. To be appointed as a Committee member, a person must be a Band Member and at least 18 years of age.
- c. Appointee's must be respected in the community and display a fair ethics
- d. A member may be dismissed from the Committee by notification from Chief & Council for breech of ethics or criminal activity. All allegation must be communicated to the member prior to decision being finalized. Should the member wish, an in camera with Chief & Council a meeting will be convened to provide an opportunity to make full rebuttal.

VACANCIES

A member may resign from the Committee at any time in writing. Should a position become vacant, the Committee shall immediately notify Chief and Council. Chief and Council will then call for new applicants wishing to participate on the Health Advisory Committee.

TERM OF NOTICE

LCHC members shall serve two year terms. Initial appointments to the Committee shall be split, with two member's appointments to be up for nomination after one year to allow for a rotating basis on future appointments. This will ensure that at least 50% of the Committee remains constant, to provide continuity. A maximum of four two year terms shall be permitted.

RESPONSIBILITIES OF THE LAKE COWICHAN HOUSING COMMITTEE

The LCHC will be responsible to assist and make recommendations that will enhance the Housing programs. The LCHC members will:

- a. be community members with commitment to promote Healthy living environments.
- b. make recommendations to Chief & Council with regards to lot allocations, renovations, housing requests, etc. from consultation with Community and Staff with respect to the Housing Programs.
- c. Make recommendations with regards to the recovery of rental arrears.

- d. review annually the Guidelines, Policy and procedures manual to ensure effective management and operations of the Housing Programs.
- e. Make recommendations in regards to the Housing program and the direction of future housing development.
- f. have a meeting during March and September of each year with Chief and Council to make sure they are kept up-to-date on the Housing Program.
- g. be involved in the strategic planning for the Housing program. Will annually review projected expenditures for new Housing.

RESTRICTIONS ON THE COMMITTEE

The Committee will not interfere with the day-to-day operations with respect to specific duties of the Housing program Staff.

OATH OF OFFICE

Each member must agree to abide by the Code of Ethics, Terms of Reference and take an Oath of Confidentiality.

ELECTION OF CHAIR

By practice the Chief of LCFN will serve as the chair of the Housing Committee.

If for any reason that the Chief does not assume such a role, the following below will apply.

The members of the LCHC shall elect a Chairperson at the first formal meeting. This position will be a 2 year term.

Process: Nominations will be held - nominees will be asked if they accept or decline - secret ballot will be cast - chairperson will be nominated.

MEETINGS

- a. The LCHC will hold one meeting per month if needed or on a quarterly basis - location and time will be established by the Committee.
- b. Emergency meetings may be called by the Chairperson in the event of exceptional urgency or importance.
- c. A quorum for a meeting of the Committee shall consist of two persons. If the Chair person is not present the members shall appoint a temporary

Chairperson for that meeting.

- d. Will start promptly on time and will be conducted in an orderly fashion.
- e. All meetings will be open to community members with the exception to in camera sessions.
- f. Summary of Meeting will be forwarded to each Chief & Council

TRAINING

The Committee shall ensure that its members receive any training the Committee deems appropriate.