

Micmac's of Gesgapegiag Band Social Housing Policy

Social Housing Policy Outline

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List of definitions:

Band Member: A registered member of Micmac's of Gesgapegiag Band.

Deterioration: A housing unit is considered deteriorated when its condition is such that the quality of life of the tenants is seriously affected: e.g. heating cost are high due to structural problems, mold growth cannot be controlled through regular cleaning, stairs and porches are unsafe.

Housing unit: A house; an apartment building; a duplex; and a triplex administered by the Social Housing Program. For the foreseeable future, until rent collection reaches 100%, the Band will no longer build single-family units for the social housing program.

Modifications: Changes made to a house due to requirements to respect safety regulations, respond to health problems or handicaps.

Over-Crowding: A housing unit is considered over-crowded when there are more than two people per bedroom residing in the house. It is expected that male and female children can share a bedroom until puberty.

Renovations: Changes made to a house due to wishes of the owner, and not required for safety, structural or handicap reason.

Social Housing: Housing for low-income Band member, provided through subsidized programs, following CMHC criteria.

Mission Statement

The primary purpose of the Gesgapegiag Social Housing Program is to provide quality subsidized housing and related services to community members of the Band, and to ensure that social housing units are well maintained through effective management.

Partnerships

In order to ensure an effective social housing program, the Micmac's of Gesgapegiag Band maintains partnership with the following organizations.

DIAND:

Acts as a consultant when requested by the social housing committee and the Band Council.

Negotiates with the social housing committee all the budgets that will be requested by the program administrators to implement the program in new construction, repairs, and other budgets that may be indentified by the program.

CMHC:

Acts as a consultant when requested by the social housing committee and the Band Council.

Negotiates with the social housing committee all the budgets that will be requested by the program administrators to implement the program in new construction, repairs, and other budgets that may be indentified by the program.

Band Council:

Approves policies that will be used in allocating social housing units to Band members, approves the priority lists for access to social housing units and to repairs, approves the appropriate budgets.

Guides the social housing committee and provides all the information to facilitate the administration of the program.

Provides a training session to new Committee Members so that all people involved will be aware of the intentions and vision of the Band Council.

Negotiates and provides for the social housing committee all the necessary means that the members will require: studies, social housing regulations, information sessions from DIAND and CMHC. Provides a person or persons who specialize in the admistration of the social housing program, including working with other First Nations to acquaint them to all the situations that may and will arise in implementing the Social Housing Policy as approved by the Band Council.

Supports the Committee members in their initiatives with regards to the development and implementation of the policies. Has the final decision-making power over policy, priority lists, repairs to be undertaken, and evictions.

Develops a training package based on a need assessment as to what is required of the maintenance person in plumbing, carpentry and other labor as determined in the assessment.

Legal Advisor

A lawyer is retained by the program to implement the necessary actions that will be requested by the Social Housing Committee from time to time in the collection of rents, where applicable.

To advise the Band Council and Social Housing Committee on the rights and legal implications that could be incurred in an action that may be taken by these entities.

To act as mediator between the program administrators and tenants when requested.

To represent the Band Council and Social Housing Committee in developing legal actions, and act for the Band in court and in other situations that require legal expertise.

Goal and Objectives

The objective of the band is to provide low-income members of the Micmac's of Gesgapegiag Band with adequate housing, and to ensure sound and healthy maintenance of all Band-owned units.

That the Band Council defines a clear social housing policy for Band Members.

That the Band Council has a mechanism in place where social housing needs are met as per priority developed within the social housing policy.

That the Band Council has a Social Housing Committee in place to apply the policies as set by the Band Council solely for service to the Band Membership.

That the Band Council mandates the Social Housing Committee for the purpose of administering the social housing program, to include the financial and policy aspects, and the mandate to take the necessary action to maintain the social housing program for the benefit of Band Membership.

That the Band Council will adopt budget forecasts for the Social Housing Program each fiscal year, and review operational results on a quarterly basis.

That the Band Council develops a policy that will be set apart the political structure and will look into the needs of the Band Membership and for its future generations.

That the Band Council will also establish policies for the development of private housing and the use of housing lots within the community. In doing so, the Band will develop a five-year plan for the use of land for social housing purposes.

Operations

Lines of authority from Council to Committee to Coordinator

Decision-making process:

All major issues addressed in a Social Housing Committee meeting should be submitted to Council for sanctioning such as:

- Social housing priority list,
- Repair projects and /or
- Any recommended changes to the Social Housing Policy.

Role of the Social Housing Committee

The Social Housing Committee will consist of 8 Members: 6 Board Members and the Housing Director. The members of the Committee will be obliged to sign Oath of Confidentiality and abide by the conflict of interest policy.

The mandate of the Committee will be:

- To ensure the Social Housing Policy is applied fairly, equitable and consistently.
- To explain the policy to community members and ensure they are well informed about social housing responsibilities and requirements.
- To assess the needs and make recommendations to Council for policy change, repairs required, and priority lists.
- To recommend cases for rent collection and/or eviction.

The Social Housing Committee Members during their mandate will take the necessary training to become familiar with the Social Housing Policy. The Committee is responsible for ensuring that the policy is applied fairly, equitable and consistently and is well understood by community members.

Should a committee member miss three (3) meetings without a valid reason, he/ she will be removed and replaced.

Should a vacancy become available on the Social housing Committee, the seat will be open to the member of the Band. The community will be notified of an available seat.

Code of Ethics (see Appendix)

Role of coordinator

Job description: Housing Program Coordinator

Summary of responsibilities:

Under the authority of the Gesgapegiag Band Council and the direct supervision of the Director of Public Works, the housing Program Coordinator manages the social housing program with the aim of providing safe and healthy social housing for the members of the Gesgapegiag Band.

Major duties and responsibilities:

The Housing Program Coordinator is responsible for submitting regular reports to Council on discussion or decisions taken by the Social Housing Committee. After each committee meeting a summary of discussions should be submitted to council.

He/she implements policies and procedures as approved by Council.

He/she ensure that major social housing projects or major changes to the work Social Housing Program are taken to council for approval before the work begins.

He/ she analyzes the social housing needs of the community for submission first to the social housing committee and then to Chief and Council.

He/she ensures that major repairs or RRAP projects are taken to Council for approval before the work begins, and coordinates special projects with CMHC.

Administrative duties:

The Housing Program Coordinator is responsible for administering the Social Housing Program for the Gesgapegiag Band and coordinates the work of the Social Housing Committee by organizing meeting, preparing documentation, developing a proper agenda and providing follow up required as a result of the meeting.

He/she allocates Band-Owned social housing units according to the priority list established by the Social Housing Committee and approved by Council.

The Housing Program Coordinator responds to request from tenants, including request for repairs, allocation and required modifications. He/she communicates with tenants regularly concerning rental arrears and modification to rental agreements.

He/she ensure the Social Housing Committee is well informed of any issue that has an impact on the social housing program.

Financial management:

The Housing Program Coordinator is responsible for the collection of rent from tenants of Band-Owned social housing units, and takes action as directed by the Committee and Council when a tenant experiences trouble paying.

He/she helps tenants meet their financial obligations by providing personal financial management advice and information.

He/she is responsible for establishing and managing budgets for maintenance of the social housing units.

He/she is responsible for ensuring that the financial records of the social housing program are an accurate reflection of the program's situation.

He/she makes regular reports to the public works director regarding the financial situation of the social housing program.

Other duties:

The Housing Program Coordinator carries out any other tasks related to the position and tasks assigned by his/her immediate supervisor.

Relationship with the committee:

The Housing Program Coordinator is responsible for organizing all social housing committee meetings and preparing a proper agenda. He/she communicates any issue arising within the Department of Housing such as requests for social housing, repairs, budget items, etc.

Service to Tenants

The Housing Program Coordinator will maintain regular communication with the tenants with regards to:

- Rent Collection
- Respect of conditions of lease
- Repairs & required modifications
- Maintenance & Cleanliness
- Financial feedback (e.g. quarterly statements)

Social Housing Allocations: Establishing the priority list

Criteria for social housing allocations will be as follows:

1. Must be a member of the Micmac's of Gesgapegiag Band.
2. Must be at least of legal age (18 years old)
3. Priority will be assigned as follows :
 - a. Families with young children
 - b. Single parent with children

- c. Couples without children
 - d. Band members who live off reserve because of non-availability of units on the reserve
 - e. Single band members
4. Income must be reflective of the CMHC guidelines (that is, less than \$35 000 gross income per year)
 5. Those who have received a subsidy in the past for private housing are NOT eligible for social housing. Unless they no longer own the house, then the applicant will be put on the list.
 6. Periodically, the Band Council will review the needs for Housing for single Band members.

Factors for social housing eligibility:

1. Existing social housing unit is no longer suitable for occupation due to:
 - a. Deterioration of the unit and presents a safety hazard. The social housing committee realizes that in the future there may be social housing units that will be replacement.
 - b. Over – crowded conditions
 - c. No longer meets the needs of family due to illness or handicap, and requires special needs.
2. Length of residence: a Band member must live in the immediate area (Bonaventure and Avignon MRCs) for one (1) year to qualify for priority.
3. Financial Stability- is the candidate able to make regular payments?
4. If the candidate was already offered a unit in the past and refused it, this will be taken into consideration.
5. Family size including pregnancy – the larger family, the higher priority they will be assigned.
6. Both members of a couple can accumulate points, but only band members accumulate points.
7. Length of time on the waiting list will also be taken into consideration.
8. Relocate individuals who are in a bigger unit; and not suited for their situation and put them in a suitable sized unit.

Procedures for Allocation:

1. The Social Housing Committee will use a point system in allocating social housing units. It is the responsibility of the Housing Program Coordinator to ensure that all documentation is available for all cases to be examined. Applicants will be asked to fill out an application form with the required documentation, and sign all access to information form.
2. Once Band member is placed on the priority list, he or she will remain on the list unless he/she lives outside the immediate area for more than one year. Once a band member is allotted a housing unit, the people at the bottom of the list will move up automatically. The priority list will be revised at least twice a year.
3. In case an applicant does not accept the unit due to location or neighbors, that applicant will be penalized for a period of two (2) years, unless there is a valid reason.
4. Housing units will be allocated according to the size of the family.

Priority list – Point System

1. Existing social housing unit is no longer suitable for the occupant due to:	-Over-Crowding conditions (15 points) -The family has special needs (e.g. handicap, infirmity) (15 points)	/30pts.
2. Length of residency	-the applicant must provide proof that they have lived in the immediate area of Gesgapegiag for one (1) year.	/10pts.
3. Financial stability	-Is the applicant able to make regular payments? (this is where the coordinator offers the applicant some financial counseling)	/15pts.
4. Family size	- The larger the family, the higher the priority they will be assigned 1. Single Parent/Parents - 5+ children 15pts 2. Single Parent/Parents – 3-4 children 10 pts 3. Single Parent/Parents - 1-2 children 5 pts	/15pts
5. Priority to Band member	- Only Band members can accumulate points Example: Both Band member 20/20 Member/Non Member 10/20 Single Parents 20/20	/20pts
6. Length of time on waiting list will also be taken into consideration.	1 year or less – 2pts 2 years – 5 pts 3+ years- 10 pts	/10pts

Note: This priority procedure must be done by comparing applicants in order to ensure equity in the system.

Those wanting Social Housing units must apply on a yearly basis.

Being identified on the priority list does not automatically guarantee the person a social housing unit. All conditions of the program must be met.

Reallocating social housing units

Gesgapegiag social housing units are built for the benefit of registered Band members.

In the case where both tenants are Band members, the Band member who is awarded custody of any children will be allotted the social housing unit under the same conditions as in the signed agreement.

In the case of a family break-up, where only one tenant is a Band member, the Band member takes priority in occupying the social housing unit and will abide by the signed lease agreement. However, due consideration must be given to the welfare of children who are Band members. In such case, the certificate of occupancy would revert to the children upon maturity.

In the case of a Court-rendered judgment, the judgment will be up-held by the Social Housing Committee upon consultation of legal counsel.

Vacancies:

In the case where a tenant leaves or is evicted from the social housing unit, the vacant unit will be considered a new social housing unit and will be allocated according to the priority list as set under this policy.

The tenant must notify the Social Housing Committee as to their intentions in writing, and turn over all keys in their possession to the Housing Program Coordinator. In the event the tenant leaves without notification, the lease will automatically cancel, and the vacant unit will be allocated according to the priority list.

Incarceration: If a tenant, without a family, is incarcerated for 180 days or more; they will be evicted.

In case of a death of a tenant:

Under no circumstance can a unit be willed to any individual unless the unit is paid for in full and with the written consent of the Band Council and the Social Housing Committee.

If a unit is not yet paid for in full, it remains Council property, and the tenant's last will and testament will not be recognized by the social housing committee or the Band Council. However, immediate family members will receive first consideration in re-allocating the unit. Or, the unit will be considered a vacant unit and allocated according to the priority list as set under this policy.

People moving into vacant units without authorization from the Band constitutes unlawful entry and the eviction process will be used to remove them.

Subleasing:

All social housing units under Article 95, or Band-owned houses are not eligible for sub rental. If a tenant leaves the community for a special period of time, or moves in with another community member, their social housing unit will be re-allocated. Only under very special circumstances will

social housing units will be set aside for Band members who are absent from the community for more than two months. (E.g. medical treatments, special educational needs, etc.) such a decision will be made by the Band Council.

Exception to policy for students:

In order to encourage higher education, student tenants attending post-secondary institutions outside the community may keep their housing units although absent from Gesgapegiag while continuing their studies. The student must make every effort to sublease their housing unit during their absence, with the agreement of the Social Housing Committee. However, **all rental payments for subleasing will be paid directly to the Band and not to the students.** An acceptance letter must be provided to the Housing Committee. The sublease will be on a month to month basis.

If the student has trouble finding someone to sublet, or the unit remains vacant for more than two months, the Housing Committee reserves the right to allocate the unit temporarily until the student's return absence will be negotiated with the Housing Committee upon their return.

Trades:

Tenants do not have the right or the authority to trade a social housing unit. Only the Social Housing Committee has that right. If a tenant finds a house is no longer suitable to his/her needs, they must apply to the Social Housing Committee for a change of unit. These changes will preferably be made with the consent of the tenants. Conditions will apply, including any arrears the tenants may have, the condition of both units and any necessary repairs.

Lease requirements:

All social housing built under the social housing program remains the property of the Band.

All tenant(s) are obliged to sign a lease and make the first payment upon signing of the lease. (See lease in appendix). A housing unit will not be allocated until the lease is duly signed. Unauthorized occupation of a social housing unit is unlawful and legal action will be taken.

Lease will be signed annually.

In some cases in the past, housing units part of specific social housing projects were handed over to the tenants once the Band paid the mortgage. In cases where there is already an agreement, these agreements will be respected, but this practice goes against CMHC rules and regulations. According to the CMHC, ownership of social housing units cannot be given to tenants. In these cases, tenants will get a certificate of occupancy.

Therefore, in keeping with subsidies received from the CMHC, in future, all subsidized housing units by the Band for low-income members will remain the property of the Band. Since the Band remains responsible for the unit, a maintenance fee will be collected even after the mortgage is paid in order to provide revenue for repairs, maintenance, insurance and regular inspections.

Rental payments

Tenants must pay rent monthly. In order, to help tenants meet their responsibilities in terms of rental payments, the Band is willing to offer several different payment options:

- Direct withdrawals from bank accounts
- Post dated cheques
- Direct deductions from:
 - Contract payments
 - Social Assistance
 - Maid Service benefits
 - Estuary Funding
 - Payroll
 - Any future Band/individual compensations

In the cases of recurring payment problems, depending on the arrears situation of the tenant and payment history, direct deductions may not be an option offered, but a decision made by the Housing Program Coordinator. In the cases of Social Assistance beneficiaries, direct deductions will be made as a matter of course.

How files are organized (what information is kept?)

The Housing Coordinator will be responsible for maintaining a file on each social housing unit. The documents that will be kept on record will be as follows:

- Applicants
- Complaints
- Keep record of intervention
- A copy of invoices billed to each tenant
- Repairs/Maintenance report
- A copy of memo's sent to client
- Lease
- Record of payment
- Inspection reports
- Other required information(e.g. Hydro history)

Communications with tenants (quarterly reports on balance due)

Once there is proper software system established, the Housing Program Coordinator will be responsible for sending a quarterly report out to tenants on balance due on social housing payments.

Financial difficulties:

Tenants must pay rent monthly. In case of financial difficulties, the tenant must meet with the Housing Coordinator to work out a new payment arrangement.

The Housing Program Coordinator will be offer assistance to those tenants who have trouble meeting their financial obligations by offering to help them set up a household budget, and finding them information about personal financial management.

In cases where the problem frequently recurs, the Housing Program Coordinator will try to re-locate the tenants into units that they can more easily afford.

Rent collection:

If a tenant is regularly behind on rental payments, actions will be taken to ensure compliance with the terms of the lease.

Tenants who are benefiting from the Social Assistance Program, Maid Service, or who receive salary or contract monies under the control of the Gesgapegiag Band, and who are in arrears with the social housing rental payments, will have direct deductions made. This applies to both spouses in common-law arrangements,

Rent calculations will be based on requirements in the Band's operating agreements with CMHC. This means that some projects will be adjusted annually while others will be set according to the 301 form. Some rents will only be adjusted when the mortgage for the projects is renewed.

Relevant Band Council Resolutions

See annex: BCR #158

BCR# 295

BCR# 364

BCR# 538

Band Council Resolution

See annex: BCR# 59

If the tenant is not employee of the Band or a Band owned enterprise or agency, their employer will be approached to make direct deductions from their pay in order to reimburse the Band for their rent. Should the employer be located on reserve and refuse to cooperate with the Band, legal action will be taken to ensure they comply through the Regie de Lodgment? This will allow the Band to garnish the wages of these employees.

Procedure leading to eviction:

When a tenant is two (2) months behind with their rent, they will receive an official notice from the Housing Program Coordinator giving them two (2) weeks to meet with him/her to make arrangements for payment.

Should that notice go unanswered, the Housing Program Director will send another two-week notice, informing the tenant that the Band will take action.

Should that final notice go unanswered, the tenant will be evicted by the Gesgapegiag Police Department and the locks of the housing unit changed. The housing will be reallocated according to the Band's priority list.

Social housing maintenance

Responsibility of the tenants/ Criteria for repairs

The tenant will be responsible for keeping the social housing units leased to them in good condition at all times.

The tenant is responsible for the payment of Hydro, heating costs and all other services they install. They are also responsible for ensuring that Venmars and basements heaters are used as required.

The tenant(s) will be held responsible for paying for any vandalism caused to the social housing unit. Any such damages caused by the tenant will be repaired, but the cost will be added to the rental payments of the tenant.

The Public Works Department is responsible for ensuring the water, plumbing and sewage facilities function accordingly to sanitary and health standards.

Due to the financial limitations of the Housing Department, only emergency repairs of problem that have a physical impact on the structure of the unit, or may be dangerous to the health of the tenant, will be paid for. Tenants should inform the Housing Coordinator immediately of any leaks, electrical problems or other situations requiring immediate attention.

A tenant who is up to date and maintains regular social housing payments will be made a priority when selection is made for repairs. The repairs will only be done if the deterioration is due to general wear and tear over the years, and a not due to negligence by the tenant(s).

Neglect of basic cleanliness is considered a failure of responsibility on the part of the tenant. Since this can lead to deterioration of the unit, and health problems such as growth of mold, tenants must ensure that their unit is kept clean. Notices will be issued in the event of problems, and tenants will be charged with any costs involved.

Insurance coverage:

The Public Works Department is responsible for insurance coverage on only the structure of social housing units. The tenant may assume the responsibility for insuring furniture and other personal belongings, including public liability.

Renovations:

If a tenant undertakes renovations to his/her housing unit, the tenant will be responsible for all costs of renovations and must have consent from the Social Housing Committee to proceed with the renovations.

Social Housing Units will be supplied with standard cupboards, carpeting, etc. Any upgrade of these accessories will have to be completely paid for by the tenant, and these costs are not deductible from rent.

The Social Housing Committee will not contribute any funds for any renovations done to the unit; under no circumstances will the tenant be compensated on rent payments for any cost of the renovations.

Banks in the region will be sent letters informing them that the loans for renovations should not be issued for Band-owned housing units without the consent of the Band.

If extensions are added to the social housing unit, the rental payment will have to be increased to cover the increase of the insurance cost.

Decision-making process:

All requests for repairs should be submitted to the Social Housing Committee for review and then once an evaluation had been done, recommendations will be forwarded to Chief and Council for final approval. (This might take some time depending on scheduled meeting for both Council and the Committee.)

Inspection services:

The Micmac's of Gesgapegiag Band will undertake a biannual inspection of each social housing unit. The objective of the inspection will be to identify problems that require emergency repairs, record any damage caused by tenant neglect or other behavior, and make an estimate of labor and materials required.

A copy of the biannual inspection report will be kept in the file for the housing unit. An overall report of the annual inspections will be made to the Social Housing Committee, and any serious problems will be brought to Chief and Council by the inspector and the Housing Program Coordinator.