

NISGA'A LISIMS GOVERNMENT  
NISGA'A LISIMS GOVERNMENT EXECUTIVE

**RESIDENTIAL HOUSING PROGRAMS  
REGULATIONS**

made under the  
NISGA'A CAPITAL (NEW ASSET) FINANCE COMMISSION ACT

Nisga'a Lisims Government Executive enacted this law on July 26, 2005

Edmond Wright signed this law on July 26, 2005

**REGISTRY OF NISGA'A LAWS**

This cover and the following 15  
pages are a certified true copy of

Residential Housing Programs  
Regulations

the original of which is deposited in the  
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Date Aug 12/05 Signed

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**Authority**

- 1 These regulations are made under the *Nisga'a Capital (New Asset) Finance Commission Act*.

**Definitions**

2

- (1) In these regulations :

“finance employee” means finance employee as defined in the *Nisga'a Financial Administration Act*;

“housing contribution to the Nisga'a Village” means, in respect of a particular Nisga'a Village, the housing program appropriation received by the Nisga'a Village or by a housing services provider at the direction of the Nisga'a Village under section 140 of the *Nisga'a Financial Administration Act*;

“housing funds on hand” means, in relation to a particular Nisga'a Village at the end of a fiscal year, the amount determined by the formula

$$A + B + C + D - E$$

where

- A is the total of the housing contributions to the Nisga'a Village, the housing receipts of the Nisga'a Village and the housing insurance proceeds of the Nisga'a Village that were received and not expended in accordance with these regulations prior to the beginning of that fiscal year,
- B is the housing contribution to the Nisga'a Village received during that fiscal year,
- C is the housing receipts of the Nisga'a Village received during that fiscal year,
- D is the housing insurance proceeds of the Nisga'a Village received during that fiscal year, and
- E is the total payments made in accordance with these regulations by the Nisga'a Village, or by a housing services provider on behalf of the Nisga'a Village, during that fiscal year;

“housing insurance proceeds of the Nisga'a Village” means, in respect of a particular Nisga'a Village, the proceeds of any insurance policy received by the Nisga'a Village, or by a housing services provider on behalf of the Nisga'a Village, in respect of residential premises within the Nisga'a Village Lands of the Nisga'a Village,

“housing program appropriation” means a standing appropriation made to a Nisga'a Village for a fiscal year under section 140 of the *Nisga'a Financial Administration Act*;

“housing receipts of the Nisga’a Village” means, in respect of a particular Nisga’a Village, all funds received by the Nisga’a Village, or by a housing services provider on behalf of the Nisga’a Village, in respect of residential premises within the Nisga’a Village Lands of the Nisga’a Village, other than the housing contribution to the Nisga’a Village or the housing insurance proceeds of the Nisga’a Village;

“housing services provider” means a corporation designated by the executive under section 57 of the *Nisga’a Capital (New Asset) Finance Commission Act*;

“manufactured home” means any structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to provide residential accommodation and to be moved from one place to another by being towed or carried;

“Nisga’a Nation entitlement” means a Nisga’a Nation entitlement as defined in the *Nisga’a Nation Entitlement Act*;

“Nisga’a Urban Housing Grant Program” means the Nisga’a Urban Housing Grant Program established by executive resolution 2005/170 on January 26, 2005;

“Nisga’a Village entitlement” means a Nisga’a Village entitlement as defined in the *Nisga’a Village Entitlement Act*;

“Nisga’a Village Lands”, in respect of a particular Nisga’a Village, means the Nisga’a Lands that are designated as the Nisga’a Village Lands of the Nisga’a Village under the *Nisga’a Lands Designation Act*;

“residential premises” means

- (a) a parcel of land that is used or to be used for residential purposes, including a serviced residential lot on which a residence has not been constructed or located, and
- (b) improvements to or on the parcel, including a manufactured home that is located on the parcel;

“serviced residential lot” means a surveyed parcel of Nisga’a Village Lands that has road access, has been graded, filled or otherwise prepared for construction or location of residences, and has water, sanitary and storm sewer services necessary to allow permanent occupation of an existing residence, or a residence to be constructed or located, on the parcel;

“Village premises” means a residential premises which is not subject to a Nisga’a Village entitlement or Nisga’a Nation entitlement;

- (2) Except as otherwise provided in subsection (1), words and expressions in these regulations have the meanings ascribed to them in the *Nisga’a Capital (New Asset) Finance Commission Act*.

**Residential housing program**

- 3 These regulations are made to establish a residential housing program of the Nisga'a Nation, as required under section 58 of the Nisga'a Capital (New Asset) Finance Commission Act.

**Eligibility criteria**

- 4 Once a Nisga'a Village has established written policies approved by the executive under section 5(2), Nisga'a citizens who are at least 19 years old and who do not qualify for a guarantee under the Nisga'a Temporary Housing Security Act, are eligible to apply to a Nisga'a Village for
- (a) rental of residential premises on the Nisga'a Village Lands of that Nisga'a Village, or
  - (b) assistance to acquire, construct or renovate residential premises on the Nisga'a Village Lands of that Nisga'a Village.

**Residential housing applications**

- 5
- (1) A Nisga'a Village must consider applications made under section 4 and in considering each application must take into account
- (a) the date of the application,
  - (b) the applicant's current household income,
  - (c) the applicant's age and physical health, and
  - (d) the applicant's current living conditions, including the physical condition of applicant's current residential premises and the extent of crowding of those premises,
- in accordance with written policies established from time to time by the Nisga'a Village and approved by the executive.
- (2) A Nisga'a Village must
- (a) establish its initial written policies under subsection (1),
  - (b) obtain the approval of the executive of those policies, and
  - (c) publish those policies in accordance with Nisga'a law
- by a date determined by the executive by resolution.

**Right of review**

- 6 Once a Nisga'a Village has established written policies approved by the executive under section 5(2), a Nisga'a citizen, whose application under section 4 is not approved by a Nisga'a Village, in whole or in part, may request a review of that decision under the Nisga'a Administrative Decisions Review Act.

**Housing inventory**

- 7 On or before December 31, 2005, each Nisga'a Village must
- (a) inspect and review the residential premises on its Nisga'a Village Lands, and
    - (i) prepare an inventory of each residential premises, substantially in the form attached as Schedule A, or in another form approved by the commissioners, and
    - (ii) for each residential premises, prepare
      - (A) maintenance records for the premises, and
      - (B) any other information or documents required in writing by the commissioners, and
  - (b) provide copies of the inventory and the documents referred to in paragraph (a) to the commissioners.

**Maintenance of housing inventory**

- 8 Between February 1st and March 31st of each fiscal year, each Nisga'a Village must review, maintain and update the inventory and documents referred to in section 7, including to
- (a) add any residential premises acquired or constructed since the date of the last inspection and review that is not already included in its inventory of residential premises,
  - (b) identify any residential premises that is due for replacement, and
  - (c) remove any residential premises that has been replaced since the last inspection and review that has not already been removed from its inventory of residential premises.

**Reports to be provided by Village**

- 9
- (1) Between February 1st and March 31st of each fiscal year, each Nisga'a Village must
    - (a) prepare a report certified to be true by the Chief Councillor of the Nisga'a Village or by a Village Councillor designated by the Nisga'a Village Government, substantially in the form attached as Schedule B, or in another form approved by the commissioners,
    - (b) prepare a schedule of annual maintenance, repairs and renovations for each Village premises on its Nisga'a Village Lands for the next fiscal year substantially in the form attached as Schedule C, or in another form approved by the commissioners, and
    - (c) provide the commissioners with copies of its updated inventory of residential premises under section 8, the report referred to in paragraph (a) and the schedule referred to in paragraph (b).

- (2) The updated inventory of residential premises and the report and schedules referred to in paragraph (1)(c), must be provided to the commissioners, in a form that is approved by the director.
- (3) The commissioners may, by notice in writing to a Nisga'a Village, require a further update or revision of the inventory of residential premises and the report and schedule referred to in paragraph (1)(c) at any time.

**Provisional housing budgets**

- 10 Each Nisga'a Village must on or before March 31 of each fiscal year prepare and submit to the director of finance a provisional budget for the following fiscal year, in a form approved by the director.

**Final housing budgets**

- 11 Each Nisga'a Village must on or before September 7 of each fiscal year, commencing September 7, 2005, submit to the director of finance a final budget for that fiscal year, in a form approved by the director.

**Budget requirements****12**

- (1) Budgets under sections 10 and 11 must set out
  - (a) the Nisga'a Village's housing program appropriation,
  - (b) the housing funds on hand of the Nisga'a Village at the end of the previous fiscal year,
  - (c) the funds anticipated to be received by the Nisga'a Village, or by a housing services provider on behalf of the Nisga'a Village, in respect of residential premises within the Nisga'a Village Lands of the Nisga'a Village, other than the housing contribution to the Nisga'a Village or housing insurance proceeds of the Nisga'a Village, including a reasonable allowance for those funds that may be uncollectible, and
  - (d) all expenditures to be made for or by the Nisga'a Village, or a housing services provider on behalf of the Nisga'a Village, under these regulations, including
    - (i) an amount, not to exceed 15% of the total budget, or such other amount as may be approved by the director of finance, for the cost to administer and deliver the residential housing program established under these regulations in respect of the Nisga'a Village Lands of the Nisga'a Village, including the cost to insure Village premises on the Nisga'a Village Lands of the Nisga'a Village,
    - (ii) the cost to maintain, repair or renovate existing Village premises on the Nisga'a Village Lands of the Nisga'a Village,
    - (iii) the cost to construct new residential premises on the Nisga'a Village Lands of that Nisga'a Village for occupation by Nisga'a citizens, including the costs of lot preparation and water, storm sewer and sanitary sewer connection,

- (iv) the amount and nature of assistance to be provided to Nisga'a citizens to acquire, construct, or renovate residential premises on the Nisga'a Village Lands of the Nisga'a Village.
- (2) The expenditures in the budgets for a Nisga'a Village under sections 10 and 11 must not exceed the sum of the amounts referred to in subsections 1(a), (b) and (c).
  - (3) Budgets under section 10 and 11 must also include a report identifying
    - (a) by address and legal description, each residential premises
      - (i) budgeted to be maintained, repaired or renovated in accordance with subsection (1)(d)(ii),
      - (ii) budgeted to be constructed in accordance with subsection (1)(d)(iii), and
      - (iii) for which assistance is budgeted to be provided under subsection (1)(d)(iv), wholly or in part during the fiscal year,
    - (b) the name of each individual who
      - (i) occupies a residential premises budgeted to be maintained, repaired or renovated in accordance with subsection (1)(d)(ii),
      - (ii) after construction in accordance with subsection (1)(d)(iii), will occupy the residential premises, and
      - (iii) holds, or after assistance is provided in accordance with subsection (1)(d)(iv), will hold a Nisga'a Village entitlement or Nisga'a Nation entitlement to the residential premises, and
    - (c) any other information required in writing by the director of finance.

**Revisions to budgets****13 A Nisga'a Village**

- (a) may revise a budget under section 10 or 11, during the fiscal year to which it pertains, and
- (b) must prepare and submit a revised budget under subsection (a) to the director of finance, in a form approved by the director.



**Monthly financial statements**

- 14** On or before the 21st of each month, commencing October, 2005, a Nisga'a Village must, prepare and submit to the director of finance, in a form acceptable to the director, financial statements setting out
- (a) the housing receipts of the Nisga'a Village, housing insurance proceeds of the Nisga'a Village and the housing contribution to the Nisga'a Village, and
  - (b) the expenditures made under these regulations by the Nisga'a Village, or a housing services provider on behalf of the Nisga'a Village
- in the immediately preceding calendar month.

**Annual financial statements**

- 15** A Nisga'a Village must ensure that its annual financial statements for any fiscal year prepared under the Nisga'a Financial Administration Act
- (a) set out the housing funds on hand of the Nisga'a Village at the end of that fiscal year, and
  - (b) disclose the amounts expended under these regulations in that fiscal year.

**Permitted housing expenditures**

- 16** A Nisga'a Village must apply, or ensure the application of, all funds received under these regulations in accordance with budgets approved under sections 10, 11 and 13.

**Housing construction contracts**

- 17** Before a Nisga'a Village enters into, or permits a housing services provider on its behalf to enter into, a contract for the construction or renovation of a residential premises, the Nisga'a Village must provide to the commissioners, in a form acceptable to the commissioners, the following documentation and information:
- (a) a copy of the contract that the Nisga'a Village proposes to use to govern the construction or renovation,
  - (b) confirmation that all insurance required under these regulations is available and will be placed, and
  - (c) all other information that the director requires.

**Housing administration delivery agreement**

- 18** The executive may require a Nisga'a Village to enter into an agreement with a corporation, in a form satisfactory to the executive, before that corporation is designated as a housing services provider and provides services or administers programs in accordance with these regulations.

**Applicable standards**

- 19 Each Nisga'a Village must ensure that each occupied Village premises on its Nisga'a Village Lands is constructed and maintained
- (a) in accordance with all applicable provisions of the fiscal financing agreement, all applicable Nisga'a enactments, and all applicable federal and provincial laws, including, but not limited to, building and fire and safety codes, and
  - (b) in a good, orderly and safe condition, to the same extent as a prudent owner of the residential premises would.

**Property and liability insurance**

- 20 The executive may, by written directive, establish minimum insurance and risk management requirements for Nisga'a Villages including, but not limited to, property and liability insurance in respect of Village premises.

**Proceeds of insurance**

- 21 If a Nisga'a Village, or a housing services provider on behalf of the Nisga'a Village, receives any proceeds of any insurance policy in respect of residential premises within the Nisga'a Village Lands of the Nisga'a Village, the Nisga'a Village must ensure that those proceeds are applied in accordance with these regulations.

**Director of Finance additional authorities**

- 22
- (1) All filings, budgets, summaries, financial statements, certifications and other materials and information required to be prepared, or provided to the director of finance, under these regulations must be in a form and, subject to these regulations, of a substance, that the director of finance may require.
  - (2) Despite anything else in these regulations, the director of finance, by notice to a finance employee, may accept the provision of a filing, budget, summary, financial statement, certification or other materials or information required to be provided to the director of finance under these regulations, at a later time than is provided for in these regulations.

**Village and housing services provider responsibilities**

- 23
- (1) Each Nisga'a Village Government, or to the extent permitted, a housing services provider on behalf of the Nisga'a Village Government, must administer and deliver those elements of the residential housing program in sections 5, 7 through 15 inclusive, 17 and 19 of these regulations.
  - (2) The sections of these regulations referred to in subsection (1) are "For Nisga'a Village or Housing Services Provider Administration" as contemplated in section 26(2) of the Nisga'a Programs and Services Delivery Act.

**Nisga'a Urban Housing Grant Program**

- 24** The commissioners are responsible for the oversight, management and control of the Nisga'a Urban Housing Grant Program.

**SCHEDULE A**

NISGA 'A' VILLAGE OF [INSERT VILLAGE NAME]						
Civic Address	PIN and Legal Description	Approximate age and type of buildings	Charges (including Village or Nation Entitlement No. and Holder(s), if applicable)	Name of Current Occupier(s)	Date of Occupation	Condition of Premises State of repair of Premises including, whether maintained in accordance with the requirements of section 19 of these regulations
A.	B.	C.	Entitlements D-I	Other Charges D-II	F.	G.
1.						
2.						
3.						
4.						
5.						
6.						
7.						

NISGA'A VILLAGE OF [INSERT VILLAGE NAME]

Insurance Particulars Details of property and liability insurance in effect in respect of Premises	Is there a Nisga'a Nation Guarantee? If Yes, names of lender, borrower, amount, date, any payment under Guarantee	Is there a Nisga'a Village Loan or Guarantee? If Yes, names of lender, borrower, amount, date, any payment under Guarantee	Are moneys owed to the Nisga'a Village re Column J Loan or Guarantee? If Yes, name of debtor, amount, date, required payments and arrears	Formerly Certificate of Possession under <i>Indian Act</i> ? Yes/No
H.	I.	J1.	J2.	K.
1.				L.
2.				
3.				
4.				
5.				
6.				
7.				

**SCHEDULE B**

Date: *[Insert]*

TO: Nisga'a Capital (New Asset) Finance Commission  
*[Address]*  
Attention: Chairperson

**Re: Report required under section 9 of the Residential Housing Program Regulations (the "Regulations") for Fiscal *[Insert Year]***

I, *[Insert Name]*, [Chief Councillor/Councillor] of the Nisga'a Village of *[Insert name]* certify that:

1. the Nisga'a Village of *[Insert name]* has carried out the inspection and reviewed, maintained and updated its inventory of residential premises as required under section 8 of the Regulations,
1. each Village premises on the Nisga'a Village Lands of the Nisga'a Village of *[Insert name]*
  - (a) is in good condition for use as a residential premises as required under section 19 of the Regulations, and
  - (a) has been maintained in accordance with the attached Schedule of Maintenance provided to the commissioners for the current fiscal year, if any,

except for any exception noted under paragraph 3 below, and

1. each residential premises for which a certification cannot be given under paragraph 2 is listed below, including the reasons for not being able to provide the certification.

[ LIST APPLICABLE PREMISES ]

Declared before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Chief Councillor/Councillor  
*[Insert Name]*

**SCHEDULE OF MAINTNEANCE**

	Civic Address	PIN and Legal Description	Description of Maintenance, Repairs or Renovations	Estimated Cost of Maintenance, Repairs or Renovations	Amounts and Timing of Funds required for Maintenance, Repairs or Renovations
	A.	B.	C.	D.	E.
1.					
2.					
3.					
1.	1.	1.	1.	1.	
2.	2.	2.	2.	2.	
3.	3.	3.	3.	3.	1.

**SCHEDULE C**

	Civic Address	PIN and Legal Description	Description of Maintenance, Repairs or Renovations	Estimated Cost of Maintenance, Repairs or Renovations	Amounts and Timing of Funds required for Maintenance, Repairs or Renovations
	A.	B.	C.	D.	E.
1.	1.	1.	1.	1.	
2.	2.	2.	2.	2.	
3.	3.	3.	3.	3.	
4.	4.	4.	4.	4.	
5.	5.	5.	5.	5.	
6.	6.	6.	6.	6.	1.