

NUNATSIAVUT ASSEMBLY

(CIL H-1 18-03-2020)

HOUSING INITIATIVES ACT

Original IL-2017-04

Amended IL 2020-02

AN INUIT LAW RESPECTING

**NUNATSIAVUT GOVERNMENT HOUSING INITIATIVES IN THE INUIT
COMMUNITIES**

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BE IT ENACTED by the President of Nunatsiavut and the Nunatsiavut Assembly as follows:

Short title

1. This Act may be cited as the *Housing Initiatives Act*. (IL-2020-02)

Definitions and Interpretation

2. In this Act:

“Building” means a multi-unit housing building located in an Inuit Community as designated and approved by the Nunatsiavut Executive Council by subordinate legislation in accordance with subsection 6(5) to be constructed and operated by the Nunatsiavut Government pursuant to this Act, and “Buildings” means two or more of such buildings;
(IL-2020-02)

“Committee” means the committee responsible for decisions respecting the Housing Program established pursuant to clause 9(2)(f) of this Act;

“comparator” means a building designated as a comparator pursuant to subsection 7(2) of this Act;

“Housing Program” means a program established pursuant to clause 6(1)(a) of this Act to support housing needs of seniors and youth in and through the Prototype;

“includes” means “includes but is not limited to” and “including” means “including but not limited to”;

“Monitoring Program” means a program established by the Nunatsiavut Secretariat under subsection 7(3) of this Act for monitoring the effectiveness and efficiency of the Prototype;

“Participant” means an individual who is approved to take part in the Housing Program and who is allocated a Unit;

“Prototype” means the six-unit residential building in the Inuit Community of Nain that is owned by the Nunatsiavut Government and that has been designed as a prototype for the development of guidelines and standards for sustainable residential construction in Nunatsiavut;

“Tribunal” means an individual appointed under subsection 10(2) to hear an application with respect to a Committee decision under the Housing Program; and

“Unit” means a residential unit in the Prototype or a Building.

Purpose

3 The purpose of this Act is to:

- (a) authorize the Minister of Nunatsiavut Affairs to operate and maintain the Prototype;
- (b) authorize the Minister of Nunatsiavut Affairs to construct, operate and maintain the Buildings;
- (c) authorize and direct the Nunatsiavut Secretariat to monitor the effectiveness and efficiency of the Prototype as a model for sustainable housing in Nunatsiavut and to develop guidelines and standards for sustainable residential construction in Nunatsiavut; and
- (d) authorize the Minister of Health and Social Development:
 - (i) to develop a program to address housing needs of youth and seniors in Nain and use Units in the Prototype for that purpose; and

- (ii) to use Units in the Buildings for purposes of accessing federal and provincial funding, programs and services for Inuit with complex needs.

Ownership of Prototype and Buildings

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- (1) The Prototype and Buildings are and shall be retained as property of the Nunatsiavut Government under the administration and control of the Minister of Nunatsiavut Affairs in accordance with this Act.
- (2) Nothing in subsection (1) is intended to prevent or shall be construed so as to prevent the transfer of ownership, administration and control of the Prototype, the Hopedale Building or the Nain Building to another member of the Nunatsiavut Executive Council, to a corporation or other legal entity that is owned and controlled by the Nunatsiavut Government, or to an Inuit Community Government provided the transfer has been approved by the Nunatsiavut Executive Council.

Responsibilities of Minister of Nunatsiavut Affairs and Department of Nunatsiavut Affairs

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- (1) The Minister of Nunatsiavut Affairs and the Department of Nunatsiavut Affairs shall, in accordance with the other provisions of this Act:
 - (a) exercise administration and control of the Prototype and the Buildings for and on behalf of the Nunatsiavut Government;
 - (b) have overall responsibility for the structural and operational integrity of the Prototype and for the day-to-day operation and maintenance of the Prototype;
 - (c) be responsible for design and construction of the Buildings and their maintenance and operation; and
 - (d) appoint and provide for a Tribunal to review and, if necessary, remedy Housing Program decisions that are inconsistent with program policies or that the Tribunal determines are unfair.
- (2) The Minister of Nunatsiavut Affairs may, in the minister's discretion, enter into contracts, arrangements and agreements respecting:
 - (a) the acquisition, development and servicing of land for purposes of the Buildings;
 - (b) the design of the Buildings;
 - (c) construction of the Buildings; and

- (d) maintenance of the Buildings.
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- (3) Subject to the requirements of this Act the Minister of Nunatsiavut Affairs shall offer individuals admitted to the Housing Program residential leases for Units in the Prototype.
 - (4) Any maintenance protocols, contracts or agreements related to the Prototype, including residential lease agreements, must be consistent with and subordinate to requirements of the Monitoring Program.
 - (5) The Minister of Nunatsiavut Affairs shall:
 - (a) establish rules for tenants of Units in the Prototype, including rules respecting pets;
 - (b) terminate leases for breach by Participants of lease terms and conditions including for breach of any term, condition or rule respecting monitoring of the Prototype;
 - (c) on the advice of the Minister of Health and Social Development, terminate the lease of a Participant who leaves the Housing Program or is no longer a Participant in the Housing Program; and
 - (d) subject to and in accordance with the monitoring program and the terms and conditions of the Housing Program, collect rental and utility payments for tenancies in the Prototype.
 - (6) The Minister of Nunatsiavut Affairs may, for purposes of collecting rental and utility payments for tenancies in the Prototype, enter into income assignment agreements with Participants and arrangements with other governments, Newfoundland Labrador Housing Corporation, banks and other entities with respect to the payment and collection of rents.
 - (7) The Minister of Nunatsiavut Affairs shall use and apply all rentals received from tenants of the Prototype for defraying the costs of maintaining and operating the Prototype, any costs incurred by the Nunatsiavut Government in connection with the Monitoring Program, and the capital costs of the Prototype.
 - (8) The Minister of Nunatsiavut Affairs may, with the consent of the Nunatsiavut Executive Council, transfer or convey the Prototype, or any of the buildings to the administration and control of another member of the Nunatsiavut Executive Council, or to a corporation or other legal entity that is owned and controlled by the Nunatsiavut Government, or to an Inuit Community Government but any such transfer or conveyance shall be made subject to existing program and funding agreements, tenancies and lease agreements and, as applicable the Monitoring Program. (IL 2020-02)

- (9) The Minister of Nunatsiavut Affairs shall report annually to the Assembly with respect to the Prototype and Buildings.

Responsibilities of Minister and Department of Health and Social Development

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- (1) The Minister of Health and Social Development and Department of Health and Social Development shall, in accordance with the other provisions of this Act:
- (a) develop and implement a program to meet housing needs of seniors and youth in Nain and allocate Units in the Prototype to Inuit who qualify for and are admitted to the program; and
 - (b) use the Units in the Buildings for purposes of providing accommodations to Inuit families who have complex needs and who qualify to participate in federal or provincial programs that provide assistance or support to or for persons in need.
- (2) The Minister of Health and Social Development may, in the Minister's discretion, enter into contracts, arrangements and agreements, including contribution agreements, with the federal or provincial governments, for the purposes referred to in clause 6(1)(b).
- (3) Subject to the requirements of this Act the Minister of Health and Social Development shall offer residential leases for Units in the Buildings to Inuit with complex needs who qualify for federal or provincial funding, programs or services for persons in need.
- (4) The Minister of Health and Social Development may, for purposes of collecting rental and utility payments for tenancies in the Units, enter into income assignment agreements with tenants and arrangements with other governments, Newfoundland Labrador Housing Corporation, banks and other entities with respect to the payment and collection of rents.
- (5) The Minister of Health and Social Development:
- (a) shall establish rules for tenants of Units in the Buildings, including rules respecting pets;
 - (b) may establish lease agreement terms or conditions that are related to a tenant's eligibility for or participation in a federal or provincial program;
 - (c) may terminate the lease of a tenant who leaves or is no longer a participant in the federal or provincial program under which the tenant qualified for a Unit; and
 - (d) Shall ensure the Nunatsiavut Government receives rental and utility payments for all tenancies in the Buildings.

- (6) The Minister of Health and Social Development shall use and apply all rentals received from tenants of the Buildings for defraying the costs of maintaining and operating the Buildings and the capital costs of the Buildings.
- (7) The Minister of Health and Social Development shall report annually to the Assembly with respect to the Housing Program and the programs delivered in or through the Buildings.

Responsibilities of President and Nunatsiavut Secretariat

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- (1) The President and the Nunatsiavut Secretariat shall, in accordance with the other provisions of this Act:
 - (a) make all arrangements necessary to monitor, evaluate and report on the performance of the Prototype as a model for sustainable housing in Nunatsiavut and to develop guidelines and standards for sustainable residential construction in Nunatsiavut; and
 - (b) develop guidelines and standards for sustainable residential construction in Nunatsiavut and for that purpose disseminate information about the Prototype and its performance and consult and cooperate with other divisions of the Nunatsiavut Government and with third parties.
- (2) The President may designate one or more of the Buildings or other Nunatsiavut Government buildings for monitoring as comparators for purposes of assessing the relative performance of the Prototype. (IL 2020-02)
- (3) The President may, with the advice of the Nunatsiavut Executive Council, issue directives, orders or regulations respecting monitoring of the performance of the Prototype and comparators, and for purposes of establishing a monitoring program in relation to the Prototype and comparators.
- (4) Occupancy of the Prototype, the Buildings, the Units and comparators shall be subject to the Monitoring Program and the applicable terms of orders or regulations issued under subsection (3) and all such orders or regulations shall be deemed to be incorporated into and shall be part of all lease agreements or other occupancy arrangements respecting the Prototype, the Buildings, the Units or comparators.
- (5) All monitoring pursuant to this section, whether carried out directly by a division or employee of the Nunatsiavut Government or a contractor or agent must be carried out in conformity with the requirements of the Monitoring Program.

- (6) The Nunatsiavut Secretariat shall:
 - (a) collect and retain all monitoring data in a safe and fireproof place;
 - (b) prepare monitoring reports and assessments; and
 - (c) in consultation with the Environment Division and Minister of Nunatsiavut Affairs, make recommendations with respect to sustainability guidelines and standards for Nunatsiavut housing construction for consideration by the Nunatsiavut Assembly.

Rules Applicable to the Prototype, Buildings and Units

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- (1) Participants, tenants, sub-lessees and occupants of the Units, their guests, contractors, invitees and visitors, shall not:
 - (a) smoke in the Prototype, the Buildings or any Unit; or
 - (b) be intoxicated in the Prototype, the Buildings or any Unit; or
 - (c) possess or consume alcohol or illegal drugs in the Prototype, the Buildings or any Unit.
- (2) Participants, tenants, sub-lessees and occupants of the Units, their guests, contractors, invitees and visitors, shall comply with the requirements of the Monitoring Program.
- (3) A Participant, tenant, sub-lessee or occupant of a Unit is responsible for the conduct of his or her guests, contractors, invitees and visitors.
- (4) If a Participant, tenant, sub-lessee or occupant of a Unit or a person for whom he or she is responsible fails to comply with the requirements of subsection (1) or (2) the Participant, tenant, sub-lessee or occupant may be evicted from his or her Unit.
- (5) Any person who wishes to occupy a Unit must sign an acknowledgement and consent to the terms set out in subsections (1), (2), (3) and (4).
- (6) Subject to subsections (1), (2), (3) and (4) and the terms and conditions of the applicable lease, Participants and tenants shall have quiet possession of their Units.

Housing Program

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- (1) The Minister of Health and Social Development shall implement the Housing Program in accordance with subordinate legislation that the Minister of Health and Social Development shall recommend to the Nunatsiavut Executive Council for enactment.
- (2) The subordinate legislation referred to in subsection (1) shall include:
 - (a) definitions of “youth”, “seniors” and any other term that requires definition for purposes of the program;
 - (b) a description of the program;
 - (c) eligibility criteria for acceptance into the program;
 - (d) criteria for ranking or prioritizing the allocation of Units in the Prototype to those who meet the eligibility criteria;
 - (e) terms and conditions that youth and seniors must comply with in order to continue as beneficiaries of the program;
 - (f) arrangements for the appointment of a committee comprised of staff that shall be responsible for overseeing administration of the program including:
 - (i) publishing information about the program,
 - (ii) designing and receiving applications for admission to the program,
 - (iii) determining eligibility for participation in the program,
 - (iv) allocating Units in the Prototype to eligible youth and seniors,
 - (v) recommending rental structures and rates and arrangements to secure the payment of rent;
 - (vi) removal of a Participant from the program for cause or if the Participant is no longer eligible to participate in the housing program; and
 - (vii) committee rules and procedures.
- (3) The Committee shall have discretion to consult with others in fulfilling its functions.
- (4) Decisions of the Committee respecting eligibility for participation in the program, the allocation of a Unit or the removal of a Participant from the program shall not come into effect for a period of 14 days or until any Tribunal review has been completed, whichever happens last.
- (5) A person who is directly affected and aggrieved by a decision of the Committee may within ten days of the decision apply for a review of the decision by a Tribunal.

- (6) Subject to a decision of a review Tribunal, decisions of the Committee are final and binding on the Nunatsiavut Government, applicants for admission to the Housing Program and Participants.
- (7) The Minister of Nunatsiavut Affairs must offer a lease for a vacant Unit to a person approved by the Committee or a review Tribunal on the terms specified by the Committee or review Tribunal.
- (8) The Department of Health and Social Development shall be responsible for helping Participants to access required social, counselling, income support, homecare and other services, for coordinating the in-home delivery of such services if necessary, and for assisting Participants to maintain the units in good habitable condition in accordance with lease terms.
- (9) The Minister of Health and Social Development may recommend that the Minister of Nunatsiavut Affairs waive the payment of rent by a Participant in appropriate circumstances.

Review Tribunal

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- (1) A person directly affected and aggrieved by a decision of the Committee who wishes to apply for a review of the decision shall within ten days of the date of the decision submit a written request for a review to the Nunatsiavut Government's Director of Legal Services.
- (2) Within ten days of receipt of a written request for a review the Minister of Nunatsiavut Affairs shall appoint an individual to act as a Tribunal to review the application and the Committee's decision.
- (3) The Tribunal shall have 14 days to carry out a review and submit a written decision to the applicant, the Committee and the Nunatsiavut Government.
- (4) On a review the Tribunal shall provide a fair hearing to the applicant and the Committee.
- (5) The Tribunal's decision and recommendations are final and binding on the applicant the Committee and the Nunatsiavut Government and are not subject to review or appeal.

Regulations

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- (1) The Nunatsiavut Executive Council may, subject to the other provisions of this Act, enact subordinate legislation for purposes of implementing this Act or defining or clarifying any term, phrase or provision of this Act.

- (2) The Nunatsiavut Executive Council may, on the advice of the President, enact subordinate legislation respecting monitoring and evaluation of the Prototype including:
- (a) arrangements necessary to monitor, evaluate and report on the performance of the Prototype as a model for sustainable housing in Nunatsiavut and for the development of guidelines and standards for sustainable residential construction in Nunatsiavut;
 - (b) the designation of other residential units owned by the Nunatsiavut Government as comparators;
 - (c) arrangements related to usage of utilities;
 - (d) rules governing the use and occupancy of the Prototype and comparators for purposes of evaluating the effectiveness, efficiency and sustainability of the Prototype and its relative effectiveness and efficiency with reference to the comparators; and
 - (e) any other matter referred to in section 7 of this Act or that may be necessary for purposes of the establishment and operation of a Monitoring Program for the Prototype or the development of sustainable construction guidelines for housing in Nunatsiavut.
- (3) The Nunatsiavut Executive Council may, on the advice of the Minister of Health and Social Development, enact subordinate legislation for the development and implementation of the Housing Program, including subordinate legislation respecting:
- (a) the proportion or number of Units in the Prototype to be made available for youth and seniors, the proportion or number of Units in the Prototype to be made available for purposes of social housing or for market rental and the proportion or number of Units in the Prototype to be made available to youth who require access to housing in Nain in order to take up employment in the community;
 - (b) priorities for allocation of Units and Units that are vacant;
 - (c) eligibility criteria to be met by Inuit youth and seniors who wish to participate in the Housing Program;
 - (d) policies and procedures for determination of eligibility to participate in the Housing Program and for admission to the Housing Program including needs and income assessment criteria;
 - (e) establishment and appointment of the Committee to make decisions respecting access to and participation in the Housing Program;

- (f) Housing Program application procedures including the use of referrals and who may make them, screening procedures, whether any screening procedures will be administered on a blind or double blind basis, and whether the Committee will hold hearings in person for applicants, for purposes of allocating Units, or for purposes of terminating a Participant's continuation in the Housing Program;
 - (g) Committee rules and procedures;
 - (h) terms and conditions of the housing program, including annual income disclosure and annual rental rate reviews;
 - (i) privacy of personal information of applicants and Participants and their families and dependants; and
 - (j) any other matter referred to in section 9 of this Act or that may be necessary for purposes of the Housing Program.
- (4) The Nunatsiavut Executive Council may, on the advice of the Minister of Nunatsiavut Affairs, enact subordinate legislation respecting:
- (a) the qualifications of and procedures for appointment of Tribunals;
 - (b) remuneration of Tribunals;
 - (c) Tribunal hearing rules and procedures; and
 - (d) any other matter referred to in section 10 of this Act or that may be necessary for purposes of providing for reviews of decisions of the Nunatsiavut Government, including the Committee, affecting Inuit applying for participation in the Housing Program or Participants.
- (5) Subject to the other provisions of this Act and on the advice of both the Minister of Nunatsiavut Affairs and the Minister of Health and Social Development, the Nunatsiavut Executive Council may enact subordinate legislation with respect to the acquisition, construction and use of multi-unit housing buildings for the purposes of delivery of programming referred to in clause 6(1)(b) and the designation of such buildings to be used for such purposes in accordance with this Act. (IL2020-02)
- (6) The Minister of Nunatsiavut Affairs shall report to the Assembly at the spring session of the Nunatsiavut Assembly in every year with respect to the number, location and unit-size of all buildings designated by the Executive Council under subsection (5). (IL 2020-02)
- (7) Any acquisition, construction or use of a Building designated by the Executive Council under subsection (5) must be made in accordance subsection 6(2) of the *Financial Administration Act*. (IL 2020-02)

Application of Other Inuit Laws

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- (1) The *Nunatsiavut Government Appointments Act* does not apply to the appointment of persons to a Tribunal notwithstanding anything in the *Nunatsiavut Government Appointments Act* to the contrary.
- (2) Construction of the Buildings shall be exempt from review under the *Nunatsiavut Environmental Protection Act* notwithstanding anything in the *Nunatsiavut Environmental Protection Act* to the contrary.

Coming into effect

- 13** This Act comes into effect in accordance with section 13 of the *Nunatsiavut Laws Registration Act*.