



Draft Rental Housing Policy

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Mandell Pinder LLP

BACKGROUND & TIMELINE

Why is the Housing Policy being Updated?

- Previous policy was from 2004 with no changes since.
- Updates needed to provide clearer language, to include $\gamma\alpha\gamma\alpha\gamma\alpha\theta\alpha\mu\omicron\mu\omicron\mu\omicron$, and to align with changes to federal and provincial laws.
- To provide clear roles, responsibilities, and processes to protect members in a Klahoose-owned rental home, and to protect homes as a community-owned asset for current and future generations

Timeline

Spring 2022: Recognized a need to update the 2004 Housing Policy

- Proposed Rental Housing Policy based on template created by Naut'sa mawt Tribal Council for use by all First Nations.

Fall 2024: Draft Rental Housing Policy completed

January 2025: Community Meeting #1

January – March 2025: Members provide input and changes made to draft.

March 2025: Community Meeting #2

What does it apply to?

- All homes owned by the Klahoose First Nation for occupation by a member/tenant under the terms of a Rental Agreement, including the lands the home is on.
- All Rental Agreements between Klahoose and a member/tenant.
- All rental housing programs and services provided or administered by the Housing Department.
- Does **NOT** apply to member-owned homes.

Key Benefits

Accountability: Ensures accountability from Klahoose as the landlord, and from Member-tenants.

Solution-Focused: Outlines solutions focused on addressing community and family needs.

Protects Vulnerable Members: Creates protections for all Klahoose members and tenants and ensures the Housing Department can respond to abuse and harmful activities.

Transparency: Clearly outlines processes, ensuring transparency from Council and the Housing Department to members and tenants in the administration of housing

Providing for Future Generations: homes available for members living in community, protecting homes, etc.

OVERVIEW OF PROPOSED DRAFT POLICY

Areas of Focus

- Incorporating the use of ʔayʔaj̕uθəm in alignment with recommendations put forward in proposed election code amendments
- Modernizing language & alignment with laws
- Accountability & Transparency
- Involvement of all Klahoose members
- Protection of Klahoose, members, and property owned by Klahoose

Key Changes: Modernization & Alignment with Laws

2004 Policy

- No inclusion of ʔayʔaʔuθəm
- No reference to human rights or privacy laws.
- Enacted before the *Federal Homes on Reserve and Matrimonial Interests on Reserves Act (FHRMIRA)*
- Possessing and growing cannabis was considered criminal activity.

Amended Policy

- Addition of ʔayʔaʔuθəm
- Confirms that federal human rights and privacy laws apply.
- Ensures consistency with *FHRIMRA*.
- Allows for the possession and growth of cannabis, consistent with Klahoose and provincial laws.

Key Changes: Roles and Responsibilities

- Clearly sets out the roles and responsibilities of Council.
- Creates an advisory role for the Housing Committee without delegating primary responsibilities and making it difficult to implement
- Creates distinct roles and responsibilities for the Housing Coordinator, Manager, and Department
- Creates space for members to have a say in rental housing matters

Key Changes: Arrears

- Opportunities to enter into a repayment agreement with Klahoose or to have rent or debts applied from monies owed to the tenant by Klahoose.
- Creates a transparent and collaborative process for addressing debts/arrears

Key Changes: Eligibility

- Rental homes are only available to Klahoose members (2004 Policy allowed non-members).
- Ensures prospective tenants are able to pay rent and are going to take care of home.
 - Currently, rental arrears and damages are a huge expense to Klahoose, which impacts resources to other housing programs and services
- Proposed changes help to protect Klahoose, tenants, and Klahoose homes as community-owned assets for present and future generations.

Key Changes: Protection of Tenants and Authorized Occupants

- Sets out who is an authorized occupant, and who must be on the rental agreement.
- Ensures that there is a process to protect all tenants, homes, and members from damage or harm caused by unauthorized occupants and guests.
- Includes a section for the protection of vulnerable tenants, and the process that will be followed if abuse is known or suspected.

Vulnerable Person Abuse in Rental Homes

- Includes physical, verbal and financial abuse of children, Elders, and other vulnerable people living in a Klahoose owned rental home.
- Allows the Housing Department to remove the abusive person from the rental agreement, while supporting the vulnerable person to stay in the home.
- Creates a process for the vulnerable person to be transferred to another available rental home in cases of emergency.

Key Changes: Rent Payments

- Streamlines to one process for rent amounts and increases.
- Modernizes the rent payment process by moving to Electronic Funds Transfers instead of cheques.
- Clear, transparent and supportive arrears repayment process.
- One NSF fee may be waived a year
- Requires Klahoose to keep and provide an annual statement of account to tenants.

Key Changes: Move-in and Move-out Procedures

- Step-by-step process set out for Move-in and Move-out procedures.
- Outlines the responsibilities of Klahoose as well as the tenants, and makes sure that tenants are aware of their rights as well as their responsibilities
- This creates protections for tenants, Klahoose, and Klahoose homes.

Key Changes: Subletting

- Ensures that subletters are held to the same eligibility criteria and responsibilities as the main tenants.
- Must be prior written approval from the Housing Department and only allows homes to be subletted to members.
- Supports tenants who may need to leave Klahoose on a temporary basis for education, employment or health reasons, while making sure sublets are not allowed to be permanent.

Key Changes: Abandoned Homes

- Provides a process for Klahoose to retain possession of a Klahoose home if it is deemed to have been abandoned.
- Ensures that Klahoose homes can be properly maintained if abandonment is suspected.
- Ensures that abandoned Klahoose homes can be reallocated to members on the waitlist who are in need of a Klahoose home.

What is an 'Abandoned Home'

- Tenant is absent for more than 30 days without providing notice to the Housing Department of planned absence.
- Rent or utilities more than 30 days late.
- Tenant has not responded to a notice of abandonment from the Housing Department.

Important because it makes sure that Klahoose-owned rental homes do not sit empty while members on-reserve need housing.

Key Changes: Maintenance Responsibilities

- Makes sure that repairs and maintenance in rentals are in compliance with health, safety and housing standards required by law and clearly set out what is the responsibility of tenants and what is the responsibility of Klahoose
- Ensures tenants are aware of their rights and responsibilities, and any consequences if responsibilities are not followed.

Key Changes: Breaches of Tenancy and Evictions

- Clearly sets out for tenants what situations may be considered a breach of the rental agreement or housing policy, and could result in a notice to the tenant, and/or be grounds for eviction.
- Sets out a staged process for the Housing Department to follow in the case of minor breaches and time for the tenant to resolve the breach before an eviction.
- States what situations would be grounds for immediate eviction.

Key Changes: Mobile Dwellings

- Mobile dwellings includes RVs, travel trailers and tent trailers.
- Sets out a process to allow mobile dwellings on a lot being rented from Klahoose, including when utilities may be connected.
- Creates a short-term, creative solution to address the shortage of rental homes in Klahoose.

Key Changes: Home-Based Businesses and Pets

- Creates a clear process for home-based businesses and makes sure that Home-Based businesses comply with laws.
 - Encourages members renting a home from Klahoose to pursue home-based business opportunities while building in protections.
- Sets out clear guidelines regarding the size, breed, and care of a pet, and consequences if a pet is found to be abused or neglected.

Key Changes: Appeals Process

- Creates an independent Appeals Committee to hear disputes from members regarding decisions made under the Rental Housing Policy.
- Sets out a clear and step-by-step process for members to bring an appeal.
- Makes sure there is a way for members to have their views heard if they disagree with a decision, or if they think Klahoose or the Housing Department has breached the Rental Housing Policy



NEXT STEPS

Next Steps

- We want your feedback and welcome further discussion on the draft Rental Housing Policy.
- A copy of the draft Rental Housing Policy can be requested from the Housing Department.
- Please send any comments to Ellen: ellenthompson@klahoose.org, or request a meeting to talk about your feedback!
- Another community meeting will be set in the Spring. Date TBC.

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Thank You!

