

NUNATSIAVUT ASSEMBLY

(CIL H-0.1 09-03-2022)

HOUSING ACT

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**AN ACT RESPECTING HOUSING IN NUNATSIAVUT AND TO ESTABLISH A
NUNATSIAVUT HOUSING COMMISSION**

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PREAMBLE

WHEREAS the Constitution provides that every Inuk has the right to have access to adequate housing and that Inuit have a responsibility to provide for their own housing needs in accordance with their own means and a responsibility to care for and to maintain housing that is provided to them by an institution of Inuit government or that is funded by or through an institution of Inuit government;

AND WHEREAS there are pressing needs in relation to both social and market housing in Nunatsiavut and systemic failures in the housing sector that create obstacles to Nunatsiavummiut having access to adequate housing;

AND WHEREAS the Nunatsiavut Government may, in terms of the Labrador Inuit Land Claims Agreement, make laws with respect to the development of Labrador Inuit Lands for housing purposes and for the construction, maintenance, allocation, control, improvement, renovation and removal of housing in Labrador Inuit Lands and housing owned by Inuit Governments in the Inuit Communities;

NOW THEREFORE be it enacted by the President of Nunatsiavut and the Nunatsiavut Assembly as follows:

PART 1 GENERAL

Short Title

- 1.1 This Inuit Law may be cited as the *Housing Act*.

Interpretation

- 1.2

- (1) In this Act:

“adequate” in relation to housing means housing that is safe, warm, healthy, energy efficient, sustainable, affordable and of satisfactory and acceptable quality;

“Agency” has the meaning given to it in the *Financial Administration Act*;

“Assembly” means the Nunatsiavut Assembly;

“Board” means the Board of Commissioners appointed under section 2.3 to manage the Commission;

“Chairperson” means the person appointed under section 2.17 to be the chairperson of the Commission and includes the vice chairperson when he or she is acting as chairperson;

“Community” means an Inuit Community as defined in the Labrador Inuit Land Claims Agreement;

“Commission” means the Nunatsiavut Housing Commission established by section 2.1;

“Committee” means an Inuit Community Housing Committee established under subsection 5.1(1);

“Constitution” means the Labrador Inuit Constitution;

“Deputy Minister” means the Deputy Minister of Nunatsiavut Affairs;

“Director of Housing” means the person hired by the Board under section 4.1 to be Director of Nunatsiavut Housing;

“disability” means a condition of long-term physical, mental, intellectual or sensory impairment that, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others;

“energy efficient” refers to a measure, technology, system or equipment that:

- (i) reduces or eliminates the use of fossil fuels in providing services in and to a living unit such as a measure, technology, system or equipment that supplies hydroelectric energy, solar energy, wind energy or energy from renewable resources where readily available; or
- (ii) reduces the amount of energy required to provide services in and to a living unit;

“Executive Council means the Nunatsiavut Executive Council;

“good character” refers to a person who in the reasonable opinion of the Joint Management Committee and of the Minister has good moral standing amongst Inuit and is worthy of respect. A person is generally not of good character if they:

- (i) have consistently or repeatedly broken the law or have shown that they are not prepared to abide by the law;
- (ii) have failed or refused to pay their taxes or if their financial affairs are not in reasonably good order, for example, they are an undischarged bankrupt;
- (iii) are known to be dishonest, corrupt or deceptive;
- (iv) get their way through violence, extortion or bullying; or
- (v) are known to harass or abuse others;

“housing development” includes the development of serviced residential land and the construction and supply of adequate housing of all types including individual dwellings, multifamily residential units, group homes or apartment buildings;

“Housing Fund” refers to either the Nunatsiavut Fund or, following its establishment or designation, the fund established or designated by the Treasurer under subsection 3.12(1);

“housing information system” means an information system that is subject to and meets the requirements of the Executive Council and that is designed to record, organize and provide comprehensive data and information, for use by governments and the public, respecting:

- (i) housing in Nunatsiavut, including Community housing and land inventories;
- (ii) Nunatsiavut housing costs including land development costs, materials costs, construction costs, labour availability, qualifications and costs, availability and costs of trades in the housing sector, costs of rentals, vacancy rates, land titles, land use and development plans, Community land management arrangements and systems and housing stock, including its quality, quantity and age;
- (iii) environmental factors affecting housing and housing development, environmental factors that may be impacted by housing development and sustainable practices with respect to housing development; and
- (iv) the housing market in Nunatsiavut;

“housing program” means a system of policies, services, activities, projects, subsidies, assistance or opportunities designed to supply adequate housing for Inuit in Nunatsiavut that is developed or carried out by the Commission or the Nunatsiavut Government and includes social housing and housing developments;

“Housing Strategy” means the Nunatsiavut Housing Strategy established under subsection 1.12(1) and includes any update, revision or replacement;

"includes" means "includes but is not limited to" and "including" means "including but not limited to";

“Joint Management Committee” means the Inuit Communities Joint Management Committee as defined in the *Inuit Communities Financial Management Act*;¹

“market housing” means housing that is constructed or made available for purchase or rent on the open market but does not include social housing;

“Minister” means the Minister of Nunatsiavut Affairs;

“serviced residential land” means land that has been made suitable for permanent residential structures and includes the development, construction and supply of:

- (i) roads, bridges and culverts;
- (ii) sufficient potable water;
- (iii) sufficient and acceptable facilities for sanitary disposal of waste and sewage;
- (iv) water drainage, ditches, culverts and storm drains;
- (v) energy;
- (vi) communications utilities; and
- (vii) associated rights of way, easements and access corridors;

“social housing” means housing owned, managed or subsidized by the Nunatsiavut Government, the Commission, an Inuit Community Government, a non-profit

¹ This drafting assumes the enactment of a new Act with that name.

organization or a combination of them for the purpose of providing adequate housing to vulnerable groups and other Inuit in need of housing assistance and includes shelters and group homes;

“Treasurer” means the Treasurer of Nunatsiavut appointed by the President pursuant to subsection 5.1.1 (c) of the Constitution;

“Tribunal” means the individual appointed by the Minister under subsection 6.2(2) to review a decision of the Board or Director of Housing;

“unfair discrimination” includes discrimination based on language, religion, sex, age, or disability;

“vulnerable group” means any group of Inuit who have historically faced or are currently facing barriers, difficulties, deprivation, unfair discrimination or other disadvantage in relation to housing or housing programs and who are able to maintain a home and live independently including:

- (i) those with disabilities, chronic health conditions or chronic mental health conditions;
- (ii) those receiving social security, social allowances, disability pensions, income support or similar grants or income;
- (iii) those who are elderly;
- (iv) youth, students and apprentices;
- (v) low-income earners;
- (vi) victims of family violence and those who are single parents or are impacted by addictions in the family;
- (vii) children who face abuse, unfair discrimination or marginalization at home, who are at risk of being removed from family care or live outside family care, or who are otherwise in need of social protection; and
- (viii) those who are homeless;

“whole cost of housing” refers to the actual costs of housing including costs incurred in developing serviced residential land, costs related to subdivision of serviced residential land into building lots, costs of designing, constructing, finishing and furnishing residential buildings, costs of financing, costs of utilities, costs of maintenance and upkeep, and, where relevant, the costs of management and administration; and

“youth” refers to Inuit in a period of transition from the dependence of childhood to independence of adulthood and includes every Inuk between the ages of 18 and 31 years.

- (2) A reference in this Act to a part, section, subsection or paragraph must be read as a reference to a part, section, subsection or paragraph of this Act unless the context indicates that some other Act is being referred to.

Purposes

- 1.3 The purposes of the Act are to:

- (1) promote and develop Nunatsiavut as a place where Inuit have adequate housing that reflects their diverse needs, the unique environment of Nunatsiavut, and the social, economic and cultural experiences of Nunatsiavummiut;
- (2) increase the supply of adequate housing for Nunatsiavummiut in accordance with the principles set out in section 1.4;
- (3) provide supportive and inclusive social housing for the most vulnerable groups of Nunatsiavummiut while encouraging the self-reliance, optimism and growth of all Inuit;
- (4) promote and develop sustainable housing approaches that are
 - (a) environmentally suitable and consistent with the purpose and principles of environmental protection set out in the *Nunatsiavut Environmental Protection Act*;
 - (b) culturally appropriate; and
 - (c) informed by Community planning and development needs;
- (5) promote understanding of, and arrangements to account for and manage, the whole cost of housing in Nunatsiavut; and
- (6) assume, in cooperation with all levels of government and society, greater responsibility for housing in Nunatsiavut so as to enable Inuit and the Communities to address and overcome entrenched dependencies and over-reliance on externally provided programs in relation to housing by promoting knowledge, initiative, self-reliance, skills and functionality with respect to housing including its development, construction and maintenance, sustainability, financing and cost.

Principles

1.4

- (1) The Nunatsiavut Government and the Commission must, in all matters related to housing in Nunatsiavut, advance the purposes of this Act in accordance with the principles set out in this section.
- (2) Inuit who are members of vulnerable groups must be given priority in housing programs and the allocation of housing.
- (3) Housing programs must, subject to appropriations by the Assembly:
 - (a) seek to ensure adequate housing for all Nunatsiavummiut;
 - (b) encourage, support and empower individuals and Communities, including Community-based associations and other bodies, to fulfill their own needs for adequate housing;

- (c) seek to improve and maximize the adequacy of the existing housing stock in the Communities;
 - (d) promote the development and maintenance of the Communities as environmentally, socially and economically viable communities responsible for their own planning and development;
 - (e) provide information about market housing and financing in relation to market housing;
 - (f) offer assistance to Inuit who wish to enter the housing market or obtain financing in order to do so;
 - (g) be designed so that they do not discourage or prevent individuals from entering the job market or acquiring market housing;
 - (h) develop an effective and functioning housing market in the Communities while taking steps to achieve equitable access for all to that market and also providing or promoting the development of social housing;
 - (i) provide fair and equitable treatment to individuals applying for housing or housing programs or seeking assistance with respect to housing and housing programs; and
 - (j) be administered in a transparent, accountable and equitable manner consistent with practices of good governance.
- (4) Housing development must:
- (a) account for local shortages of adequate housing and take steps to increase the supply of serviced residential land in order to satisfy housing needs in Nunatsiavut;
 - (b) be designed to provide as wide a choice of housing and tenure options as is reasonably possible;
 - (c) be as environmentally, economically and socially affordable and sustainable as is reasonably possible and be carried out having due regard to the purpose and principles of environmental protection set out in the *Nunatsiavut Environmental Protection Act*;
 - (d) create higher density in respect of housing so as to ensure the economical and sustainable utilization of serviced residential land;
 - (e) emphasize and seek to maximize energy efficiency;
 - (f) maintain as much of the natural environment as possible, consider impacts on water drainage and prevent and reduce erosion;
 - (g) promote and seek to maximize local employment and economic development within the Nunatsiavut housing sector; and

- (h) promote and express Inuit cultural identity and Inuit concepts of family.
- (5) Individuals, groups and Communities affected by housing programs must be consulted in advance.
- (6) Coordination, consensus and harmonization among the policies, priorities, programs and services of various levels and divisions of government in relation to housing is essential in order to effectively pursue the purposes of this Act.
- (7) Cooperative intergovernmental relations and activities, and effective partnerships with non-governmental financial, business and non-profit entities active in the housing field are essential to advance the purposes of this Act.
- (8) Public money available for housing programs is to be used responsibly and transparently to advance the purposes of this Act.

Priorities

- 1.5 Recognizing that there are pressing needs for accommodations for vulnerable groups in the Communities and for affordable rental housing for low income households that face difficulties gaining access to market housing in Nunatsiavut, the Minister and the Commission must give priority to individuals and families who are members of vulnerable groups and to the needs of low income Inuit households in housing programs including by:
 - (1) ensuring the development of adequate housing as a primary objective of housing programs;
 - (2) giving special consideration to the accommodation of members of vulnerable groups in all housing programs;
 - (3) facilitating the involvement of those in need of social housing, those who are residents of social housing, and key stakeholders in the development and delivery of housing programs through consultation, information sharing, education, training and skills transfer; and
 - (4) providing transparency, accountability and efficiency in the administration and management of housing programs.

Programs must be responsive

- 1.6 In giving priority to members of vulnerable groups and low-income Inuit households with respect to housing programs the Minister and the Commission:
 - (1) must also ensure housing programs are responsive to local housing demands;
 - (2) must also make arrangements intended to increase the availability of adequate housing, including affordable rental housing, in the Nunatsiavut housing market; and

- (3) may provide supports and assistance for low-income households and incentives to social housing institutions and other delivery agents to supply social housing or otherwise use public funds in a manner that stimulates or facilitates private sector investment and participation in social housing in the Communities.

Programs to maintain and upgrade existing housing

- 1.7 Recognizing that the existing housing stock in Nunatsiavut represents a significant investment of public funds over time and that the existing housing stock was not developed with regard to environmental and structural sustainability or energy efficiency and that many homes are owned by families who are not able to maintain and improve them, the Minister and the Commission must give priority to programs to maintain and upgrade existing housing stock, to prevent the erosion or degradation of land surrounding existing housing stock and, where reasonably possible, to restore eroded or degraded lots on which existing housing is built.

Addressing the need for serviced residential land

- 1.8 Recognizing the shortage of serviced residential land in the Communities and in cooperation with the Inuit Community Governments, the Executive Council must address the need for serviced residential land as one of the priority uses of funding designated for capital works in the Communities.

Executive Council may establish additional priorities

- 1.9 The Minister, acting with the advice of the Commission, must recommend for approval and enactment by the Executive Council priorities and initiatives for the achievement of the purposes of this Act that are additional to those set out in this Act and that are consistent with its purposes and principles.

Implementing the Purposes, Principles and Priorities

1.10

- (1) The purposes, principles and priorities set out in sections 1.3 to 1.9, inclusive, and measures for their achievement under this Act, are to be accomplished by the Nunatsiavut Government and the Commission progressively over time and within their available financial resources but nothing in those sections:
 - (a) obliges the Assembly or the Nunatsiavut Government to impose a tax, borrow money, incur a deficit or make an appropriation in relation to housing programs;
 - (b) prevents the termination or limitation of a housing program;
 - (c) prevents recovery of the costs of supplying housing programs; or
 - (d) prevents the recovery of funding provided with respect to a housing program in accordance with terms and conditions pertaining to the funding or the housing program governing the funding.

- (2) Subject to subsections 1.10(3) and 1.10(4), the Executive Council may in its sole discretion issue an order:
- (a) disqualifying a person from bidding on or being awarded a contract in relation to a housing program, either absolutely or for a specified period where that person has acted so as to frustrate a purpose or principle set out in section 1.3 or 1.4; or
 - (b) terminating funding or payments to a person delivering or supplying goods or services in relation to a housing program where that person has acted so as to frustrate a purpose or principle set out in section 1.3 or 1.4.
- (3) Where the Executive Council intends to issue an order under subsection 1.10(2) it shall give written notice of its intention to the person to whom the order will be directed, a statement of the reasons why it intends to make the order and a reasonable period of not less than 30 days during which the person to whom the order will be directed may remedy the situation.
- (4) If the Executive Council is not satisfied that the situation has been remedied within the time set out in the notice referred to in subsection 1.10(3), it may issue an order under subsection 1.10.2 without further notice.

Access by Non-Beneficiaries

- 1.11 The purposes, principles and priorities set out in sections 1.3 to 1.9, inclusive, and measures for their achievement under this Act, are not intended to, and must not be interpreted or applied so as to, prevent the Nunatsiavut Government, the Commission or an Inuit Community Government from providing access to Nunatsiavut housing by Non-Beneficiaries in the Communities where:
- (a) there is a local surplus of housing;
 - (b) the relevant government or the Commission consider that it is necessary and appropriate to do so; and
 - (c) doing so would not be contrary to Inuit interests.

Nunatsiavut Housing Strategy

1.12

- (1) The Executive Council must, acting with the advice of the Commission, establish and implement a Nunatsiavut Housing Strategy.
- (2) The Executive Council must update, revise or replace the Housing Strategy on a regular basis and, in any event, at least every seven years.
- (3) The Minister must table the Housing Strategy and all updates, revisions or replacements in the Assembly.

Monitoring and evaluation of housing and programs

- 1.13 The Executive Council may provide for monitoring and evaluation of:
- (a) the effectiveness and efficiency of housing programs in supplying sufficient quantities of adequate housing to meet the needs of Nunatsiavummiut;
 - (b) the sustainability and energy efficiency of housing in Nunatsiavut;
 - (c) the effectiveness of policies and actions intended to improve the energy efficiency of housing in Nunatsiavut;
 - (d) the environmental impacts and environmental sustainability of housing developments and serviced residential land in the Communities; and
 - (e) the whole cost of housing in Nunatsiavut.

Executive Council may establish policies and priorities

- 1.14 The Executive Council, acting on the advice of the Minister may, by regulation, establish housing policies and programs to advance the purposes of this Act in accordance with the principles and priorities set out in sections 1.3 to 1.9, inclusive, and the Housing Strategy.

Conflict of Interest Rules for Commission and Committees

- 1.15 The Executive Council must, by regulation, establish conflict of interest rules for the Commission and, in the event the Committees are granted decision-making powers with respect to housing or housing programs, for the Committees.

Responsible Minister

- 1.16 The Minister of Nunatsiavut Affairs is the Minister responsible for housing and for the administration and implementation of this Act.

Minister to report annually

- 1.17 The Minister must report annually to the Assembly with respect to the implementation of this Act, the Housing Strategy, and the business of the Commission.

Developing capacity to support social housing

- 1.18 The Executive Council, acting on the advice of the Minister of Health and Social Development, may establish programs and take measures to support social housing initiatives.

PART 2 NUNATSIAVUT HOUSING COMMISSION

Housing Commission Established

2.1 The Nunatsiavut Housing Commission is hereby established.

Commission's Functions

2.2 Subject to this Act the Commission is:

- (a) the Agency through which Nunatsiavut Government housing programs are developed and delivered;
- (b) responsible for recommending housing policies, programs and strategies that are consistent with the principles and priorities set out in sections 1.3 to 1.9, inclusive, to the Executive Council for enactment under section 1.14; and,
- (c) the recipient of funds appropriated by the Assembly or otherwise acquired by the Nunatsiavut Government with respect to housing and housing programs in Nunatsiavut.

Board of Commissioners

2.3 The affairs of the Commission must be managed by a Board of Commissioners made up of:

- (a) the Deputy Minister;
- (b) the Director of Housing;
- (c) the Controller or the Controller's designate; and
- (d) no less than four and no more than six members appointed by the President acting on the advice of the Executive Council.

Appointments on nomination of Joint Management Committee

2.4 No less than three and no more than five members of the Board must be appointed under subsection 2.3(d) from a list of six to eight persons to be submitted by the Joint Management Committee at the request of the Minister.

Requirements for appointment as Commissioner

2.5 Persons whose names are submitted on the list referred to in section 2.4 and appointed under subsection 2.3(d) must:

- (a) be of good character;
- (b) have knowledge, qualifications or experience in the field of housing programs;

- (c) provide a brief written statement of their qualifications to serve as a Commissioner; and
- (d) sign a letter of consent to act as a Commissioner if appointed.

Composition of the Board

2.6

- (1) When nominating and appointing Commissioners under subsection 2.3(d) and section 2.11 the Joint Management Committee and the President must make the nominations or appointments, as the case may be, so as to ensure that a majority of the Commissioners, including those referred to in subsections 2.3(a)(b) and (c), are Inuit and residents of Nunatsiavut.
- (2) Subject to subsection 2.6(1) a person is not required to be an Inuk or a resident of Nunatsiavut to be eligible to be a Commissioner.

Commissioner's term of office

- 2.7 Subject to section 2.8 a Commissioner other than the Deputy Minister, the Director of Housing and the Controller or Controller's designate serves for a term of 4 years from the date of his or her appointment or until he or she is replaced.

Staggered terms

- 2.8 When making the initial appointments to the Board the President must appoint some of the members nominated under subsection 2.3(d) to an initial term of two years in order to stagger the terms of office of Commissioners appointed by the President.

Commissioner may be reappointed

- 2.9 A Commissioner is eligible for reappointment.

Office held during good behaviour

- 2.10 A Commissioner holds office during good behaviour.

Vacancy filled from list

- 2.11 Where a vacancy occurs in the Board in respect of the unexpired term of office of a member appointed in accordance with subsection 2.3(d), the President may, after consulting the Joint Management Committee and with the advice of the Executive Council, appoint another person in accordance with section 2.6 to fill the vacancy for the balance of the unexpired term.

Qualifications and consent to accompany list

- 2.12 For purposes of section 2.5 a statement of qualifications and the written consent to act as a Commissioner signed by each person nominated under section 2.4 must accompany a list submitted under that section.

Conflict with other arrangements respecting appointments

- 2.13 If there is any inconsistency or conflict between sections 2.4 to 2.12 and any other law, policy or directive respecting appointments by the Nunatsiavut Government, sections 2.4 to 2.12 apply to the extent of the inconsistency or conflict.

Vacancy does not affect competence of Commission

- 2.14 The exercise of the powers of the Commission are not affected or impaired because of a vacancy in the membership of the Board.

Incorporation of Commission

- 2.15 The Board must, following consultation with the Executive Council, incorporate the Commission as a not-for-profit corporation under either federal or provincial legislation provided that the constating documents of the corporation are consistent with this Act and are approved in advance by the Executive Council.

Amendment of constating documents of corporation

- 2.16 An amendment to the constating documents of the corporation established pursuant to section 2.15 must conform to the requirements of section 2.15.

Chairperson

- 2.17 The President acting with the advice of the Executive Council must designate one of the Commissioners to be chairperson of the Commission and the members must select another Commissioner to be vice-chairperson.

Minutes and accounts

- 2.18 The Chairperson must ensure that regular Board minutes and complete books of accounts and records of the Commission are kept.

Chairperson presides at meetings

- 2.19 The Chairperson presides at all meetings of the Board and his or her decisions on all points of order are final.

Chairperson has second or deciding vote

- 2.20 Where at a meeting of the Board there is an equality of votes, inclusive of the Chairperson's vote, the Chairperson has a second or deciding vote.

Where Chairperson and Vice-Chairperson are absent

- 2.21 Where both the Chairperson and vice-chairperson are absent from a meeting of the Board, the other Commissioners present must, with the prior written consent of the Chairperson, appoint a Commissioner as temporary chairperson who has and may exercise the powers and carry out the duties of the Chairperson at the meeting.

Board Meetings

- 2.22 The Board must hold a meeting at least once every second month except when the Chairperson considers a meeting unnecessary, and may meet more frequently if the Chairperson considers it necessary to do so.

Means of participation in meetings

- 2.23 A Commissioner may participate in a meeting of the Board by means of telephone or another telecommunications device that permits all persons participating in the meeting to communicate with each other.

Failure to attend meetings

- 2.24 Where a Commissioner appointed under subsection 2.3(d) or section 2.11, without giving a reasonable explanation satisfactory to the Board, fails to attend three consecutive meetings of the Board, he or she stops being a member of the Board despite anything in sections 2.7 and 2.10 to the contrary.

Quorum

- 2.25 A majority of the Commissioners constitute a quorum of the Board.

Board Compensation

- 2.26 The President acting on the advice of the Executive Council must, by Order:
- (a) authorize the payment of remuneration or honoraria to Commissioners other than Commissioners who receive a salary from the Nunatsiavut Government or an Inuit Community Government;
 - (b) establish the amount of remuneration or honoraria to be paid under subsection 2.26(a); and
 - (c) provide for re-imbursement of reasonable out-of-pocket expenses incurred by Commissioners in connection with the performance of their functions and duties.

Head Office

- 2.27 The head office of the Commission must be in the Inuit Community of Nain.

Other Offices

- 2.28 The Board may, with the prior written consent of the Executive Council, establish other offices.

Reporting

- 2.29 The Board must:

- (a) report to the Minister every six months through the Chairperson; and
- (b) provide the Minister with an annual report for tabling in the Assembly.

Committees

2.30

- (1) The Board must establish a governance committee of three Commissioners to ensure that the Commission is managed in accordance with principles of good governance and to provide critical and objective oversight of the Board's
 - (a) standards of integrity and behaviour;
 - (b) reporting of financial information;
 - (c) practices of strategic management and financial control; and
 - (d) compliance with all applicable laws.
- (2) The Board may establish any other committee it considers appropriate.

PART 3 COMMISSION'S MANDATE AND POWERS

Commission is an Agency of the Nunatsiavut Government

- 3.1 The Commission is an Agency of the Nunatsiavut Government as defined in the *Financial Administration Act* and for purposes of the *Procurement Act* and is subject to the *Financial Administration Act* and the *Procurement Act* except where otherwise provided in this Part either expressly or by necessary implication.

General

- 3.2 The Commission must, subject to this Act and applicable regulations:
 - (a) take the actions that it considers necessary for the establishment and administration of housing programs for Inuit residents of Nunatsiavut;
 - (b) carry out the duties and functions provided for by this Act;
 - (c) take the provisions of Part 1 into account in all its decisions, actions and business and ensure that its contracts for the supply of goods and services in relation to housing programs require that, as appropriate, the supplier advance the purposes and principles set out in sections 1.3 and 1.4;
 - (d) provide outreach, information and assistance to Nunatsiavummiut with respect to housing and housing programs
 - (e) complete housing needs assessments, compile and maintain the housing

information system and compile and maintain comprehensive data and information regarding housing needs in the Communities; and

- (f) carry out other duties and functions related to housing programs that may be assigned to it by an Act of the Assembly, a regulation under this Act or a written directive of the Executive Council under section 3.6.

Commission may supply housing

- 3.3 The Commission may acquire, construct, develop, maintain, manage and supply housing in Nunatsiavut for Inuit families and individuals.

Housing for Inuit who are members of a vulnerable group

- 3.4 The Commission is specifically mandated to establish and administer programs and to acquire, construct, develop, maintain, manage and supply housing in Nunatsiavut for Inuit, Inuit households and Inuit families who are members of a vulnerable group.

Consistency in Programs and Services

3.5

- (1) The Commission must:
 - (a) ensure that there is consistency and uniformity in implementation of housing programs in the Communities;
 - (b) establish documentation and forms for the implementation of its programs and services; and
 - (c) ensure that program information, particularly with respect to eligibility criteria, standards and terms, are made available to those Inuit in Nunatsiavut who most need access to housing and housing programs.
- (2) For greater certainty, nothing in paragraph 3.5(1)(a) is intended to prevent or is to be construed so as to prevent the establishment and delivery of distinct or different Community programs intended to address specific needs or circumstances of the Community.

Nunatsiavut Government Housing

- 3.6 The Commission must, in accordance with written directives issued by the Executive Council acquire, construct, develop, maintain, manage and supply housing and housing programs to meet the housing needs of the members or staff of the Nunatsiavut Government in Nunatsiavut.

Powers of Commission

- 3.7 The Board may, as and when it considers necessary, convenient or advisable for or incidental to the mandate, programs, functions or duties of the Commission:
- (a) purchase, lease or otherwise acquire, own and develop land, buildings or personal property, or an interest in them, despite anything in section 6 of the *Financial Administration Act* to the contrary but subject to section 3.8;
 - (b) subject to section 3.8, receive lands, buildings, money or other property, by way of gift or trust for uses pertaining to housing programs or for the use of the Commission;
 - (c) despite anything in section 5 of the *Financial Administration Act* to the contrary, sell, improve, manage, exchange, lease, mortgage, charge, dispose of, turn to account, grant a term easement, right or interest in, over or affecting, or otherwise deal with, all or a part of the property and rights of the Commission, including land and buildings held by the Commission for and in the name of the Nunatsiavut Government;
 - (d) despite sections 68, 70 and 72 of the *Financial Administration Act* but subject to section 3.9:
 - (i) mortgage and charge property and rights of the Commission, including land and buildings held by the Commission for and in the name of the Nunatsiavut Government; and
 - (ii) obtain or receive loans and enter into mortgage agreements, debentures and other borrowing arrangements;
 - (e) subject to section 3.9 issue securities, loan guarantees and indemnities in relation to housing programs;
 - (f) subject to prior written approval of the Minister, enter agreements including cost-sharing agreements, with other governments and government agencies, including the Canada Mortgage and Housing Corporation and the Newfoundland and Labrador Housing Corporation;
 - (g) enter agreements, including grant, contribution and funding agreements, with other entities and Inuit Community Governments for purposes of establishing serviced residential land in the Communities, for carrying out housing programs, and for the development of housing in Nunatsiavut;
 - (h) in accordance with the principles of and subject to requirements under the *Nunatsiavut Environmental Protection Act*, carry out land assemblies and subdivision developments in the Communities, including activities to convert undeveloped land to serviced residential land, either alone or in partnership with other entities, including Inuit Community Governments, for purposes of developing housing;

- (i) apply for and receive grants, contributions and, subject to section 3.9, loans from other entities and other governments and government agencies, including grants, contributions and loans under the *National Housing Act* (Canada) and the provincial *Housing Act*;
- (j) after considering the advice of the Committees, allocate or assign housing to Inuit;
- (k) with the prior written consent of the Minister and subject to such conditions as the Minister may establish, delegate the power to make housing allocation and assignment decisions to the Committees in accordance with regulations made under section 3.14;
- (l) despite anything in the *Financial Administration Act* regarding the making of loans or the issuance of guarantees to the contrary but subject to section 3.10:
 - (i) either alone or in partnership with others, establish programs or services to assist Inuit to make down payments for the purchase of private homes in Nunatsiavut and make grants, loans and loans secured by mortgages or issue loan repayment guarantees to individual Inuit; and
 - (ii) make grants, loans and loans secured by mortgages or issue loan repayment guarantees to housing associations, Community housing authorities, housing co-operatives and housing corporations that are qualified as Inuit businesses;
- (m) subject to section 3.9, establish a mortgage fund or a mortgage insurance fund and other funds including sinking funds, revolving funds, and reserve funds that it considers necessary for or in relation to housing programs;
- (n) receive and hold income in the form of funding, grants and gifts and rental or other income from real estate, land and buildings under its administration and control including:
 - (i) interest income from mortgages and interests in real estate; and
 - (ii) income from the sale of assets under its administration and control, including land, buildings and interests in land and buildings;
- (o) establish and charge administration fees for any of its services or programs without having to obtain any further authorization or approval from the Assembly or the Executive Council in order to do so;
- (p) prescribe mortgages, agreements and other forms and documents of all kinds for purposes of its business and housing programs;
- (q) execute and deliver deeds, grants, conveyances, transfers, releases, discharges or other documents as may be necessary in the conduct of its business and for purposes of housing programs;
- (r) subject to subsection 3.12(1) open and operate bank accounts in the name of the Commission;

- (s) subject to section 3.9, draw, make, accept, endorse, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments; and
- (t) generally do all things that the Board considers necessary, convenient or advisable for or incidental to its mandate and the exercise of the powers, functions and duties of the Commission.

Real Property to be held in the name of the Nunatsiavut Government

- 3.8 Real property, including rights and interests in land and buildings, acquired by or belonging to the Commission is the property of the Nunatsiavut Government and title to the Commission's real property, including rights and interests in land and buildings, must be acquired for and held in the name of the Nunatsiavut Government as represented by the Nunatsiavut Housing Commission.

Executive Council Approval of Commission Debt

3.9

- (1) Except under and in accordance with an Executive Order issued pursuant to this section the Commission may not:
 - (a) borrow money;
 - (b) mortgage, pledge or encumber any property held pursuant to sections 3.7(a) and 3.8;
 - (c) issue promissory notes, securities, or indemnities; or
 - (d) guarantee the repayment of any loan or establish any program for the granting of loan guarantees.
- (2) An Executive Order issued for purposes of paragraphs 3.9(1)(a), (b) or (c) may only be issued if:
 - (a) in the case of borrowing for current account purposes, the Controller certifies to the Executive Council, in writing, that the amount borrowed, guaranteed or indemnified is within the limits prescribed by section 8.5.2(a) of the Constitution and it appears to the Controller that the Commission has the financial capacity to repay the amount borrowed before the end of the fiscal year in which the borrowing takes place; and
 - (b) in the case of long term borrowing for capital purposes, the borrowing is fully accounted for in a budget of the Commission that has been approved with at least 60% of Assembly Members voting in support and the Minister has tabled with the Assembly a financial plan prepared by the Commission that meets the requirements of section 8.5.3 of the Constitution.
- (3) The Executive Council may only issue an Executive Order for purposes of paragraph 3.9(1)(d) if:

- (a) the Executive Council has approved the housing program under which the loan guarantee may be given and the criteria, including in particular the financial criteria, that must be met by a borrower in order to qualify for or receive a loan repayment guarantee from the Commission;
- (b) the granting of a loan guarantee in accordance with an approved program is directly related to the financing of housing construction or the repair of existing housing in Nunatsiavut;
- (c) loan guarantees will be given on behalf of and in the name of the Commission and on condition that:
 - (i) at their inception, all loan guarantees will be disclosed in the financial statements of the Commission as contingent liabilities;
 - (ii) when a loan guarantee obligation has to be honoured the obligation will be accounted for and appear in the financial records and statements of the Commission as a loan payable by the Commission; and
 - (iii) the Commission will set aside a percentage of funds acceptable to the Executive Council to cover the contingent liability under all loan guarantee obligations;
- (d) the Executive Council has prescribed the maximum amount of the liability in respect of which the Commission may approve and issue loan guarantees and is satisfied that the aggregate of all loan guarantees given or to be given by the Commission falls within the prescribed maximum amount; and
- (e) the Controller has certified to the Executive Council that a loan guarantee or the approved loan guarantee program will not unduly compromise the financial sustainability of the Commission.

Lending must be authorized by Executive Council

3.10

- (1) The Commission may not lend money to any person unless the loan is made pursuant to a housing program and in accordance with an Executive Order issued under this section.
- (2) An Executive Order issued for purposes of subsection 3.10(1) must:
 - (a) approve the housing program under which the Commission will make a loan or loans;
 - (b) approve the security or securities or the type or class of securities that may be provided for loans under the program;
 - (c) establish the rate or rates of interest to be charged, which must not be less than the interest rate prevailing at the time a loan is made for a debt of the Government of Canada for a comparable maturity;

- (d) require that sums loaned by the Commission, and interest, must be repaid to the Housing Fund;
- (e) set out the terms and conditions for repayment of loans including the period of loans which must be no longer than 10 years; and
- (f) establish the information to be reported by the Commission concerning its outstanding loans so as to facilitate fulfillment of the Executive Council's responsibility under section 8.6.5 of the Constitution.

Intergovernmental Agreements

3.11

- (1) The Executive Council retains responsibility for the negotiation, approval and signing of financial and funding agreements with the governments of Canada and Newfoundland and Labrador with respect to housing in Nunatsiavut.
- (2) The Executive Council may delegate responsibility for the negotiation and signing of agreements referred to in subsection 3.11(1) to the Commission or a member of the Commission.

Financial Matters

3.12

- (1) The Treasurer may establish or designate a fund within the Nunatsiavut Fund to be used by the Commission as the Housing Fund or may authorize the Commission to establish a bank account and designate the Commission's bank account as the Housing Fund.
- (2) All funding for housing in Nunatsiavut, including money voted by the Assembly for purposes of this Act, must be transferred into the Housing Fund provided, however, that the Treasurer may retain any funds in excess of the Commission's current budgetary requirements in the Nunatsiavut Government's investment fund for transfer to the Housing Fund when required.
- (3) The Director of Housing may, in accordance with the policies and procedures established under the *Financial Administration Act*, requisition money from the Housing Fund to pay for the activities, business and programs of the Commission.
- (4) All money and revenues received by the Commission, including money received pursuant to subsection 3.12(5), must be paid into the Housing Fund.
- (5) Money received by the Commission for sales, rent, loan repayments, mortgage payments, interest, and fees must be paid directly into the Housing Fund.
- (6) All expenses of the Commission including salaries honoraria and approved expenses of Commissioners, expenses incurred for its operations, business, activities, programs and services must be paid out of the Housing Fund.
- (7) The fiscal year of the Commission is the same as that of the Nunatsiavut Government.

- (8) The Director of Housing must keep complete and proper accounts and records of all financial transactions of the Commission in accordance with standards, policies and procedures under the *Financial Administration Act* and as may be prescribed by regulations or directives issued under that Act.
- (9) The Director of Housing must establish a five year business plan and accompanying financial plans in relation to the activities and programs of the Commission, including the operations of the Committees, and submit them together with an annual budget to the Deputy Minister and the Deputy Minister of Finance no later than December 15 in each year.
- (10) The Commission's annual budget is subject to approval of the Executive Council and appropriation of funds by the Assembly.
- (11) The Chairperson must, not later than June 30 in each year, submit to the Treasurer a financial statement signed by the Chairperson and the Director of Housing setting out the assets and liabilities of the Commission and the receipts and expenditures of the Commission, including the expenditures and receipts, if any, of the Committees for the previous fiscal year.
- (12) The Auditor of Nunatsiavut must audit the accounts of the Commission.
- (13) The Treasurer must lay the audited financial statements of the Commission before the Assembly not later than December 31 in each year.

Procurement

- 3.13 For purposes of compliance with the requirement for legal review of procurement contracts under section 22 of the *Procurement Act* the Commission may not submit its contracts to the Director of Legal Services but must, instead, have its contracts reviewed by its own legal counsel at its own expense.

Commission may make Regulations

- 3.14 Subject to the approval of the Executive Council, the Commission may make regulations:
 - (a) with respect to the exercise of its powers, functions and duties, the management of its affairs and the conduct of its business;
 - (b) for the implementation of housing programs;
 - (c) respecting the administration, management and use of any property, services and facilities which it may acquire, establish, manage or control, including with respect to the allocation of housing and the maintenance of order and good conduct in buildings managed or controlled by it; and
 - (d) any other matters relating to the exercise of its powers and the carrying out of its duties, programs and services.

PART 4 COMMISSION STAFF

Director of Housing

4.1

- (1) The Board must hire a person to be Director of Nunatsiavut Housing who holds office during good behaviour.
- (2) The Director of Housing is the chief executive officer of the Commission and, subject to the Board, is charged with the general direction, supervision and control of the business and staff of the Commission.
- (3) The Director of Housing has those other powers, duties and functions that are or may be conferred on the Director of Housing by this Act, the regulations or the Board.
- (4) The Board must set the Director of Housing's salary, which must be within the salary range of a director of the Nunatsiavut Government.
- (5) Other terms and conditions of the Director of Housing's employment must be similar to those of persons serving as directors in the Nunatsiavut Civil Service and be administered as if the Director of Housing is an employee of the Nunatsiavut Government.

Duties and Functions of the Director of Nunatsiavut Housing

4.2

- (1) The Director of Housing implements the mandate and exercises the powers of the Commission under the direction of the Board.
- (2) The Director of Housing must liaise and cooperate with the Inuit Community Governments in relation to housing, housing programs and housing development in the Communities, particularly in relation to capital development plans and for purposes of acquiring and making available serviced residential lots.
- (3) The Director of Housing must liaise and cooperate with the Environment Division of the Nunatsiavut Department of Land and Natural Resources with respect to housing developments and the development of serviced residential land.
- (4) The Director of Housing must monitor the work of the Committees and must liaise with them and provide them with such advice, guidance and administrative assistance as the Director of Housing may agree is necessary.
- (5) The Director of Housing must provide information and training to the Committees including housing policies, guidelines and criteria relevant to the performance of their functions and duties.
- (6) The Director of Housing must, subject to and in accordance with the requirements of the Executive Council, establish and maintain a Nunatsiavut housing information system.

- (7) The Director of Housing must in consultation with the Committees seek innovative ways to address Nunatsiavut housing needs and for the development of affordable sustainable housing in Nunatsiavut.

Financial officer and other staff

4.3

- (1) The Commission must employ a qualified financial officer answerable to the Board through the Director.
- (2) The Board may establish additional staff positions and hire those additional employees that it considers necessary and prescribe their duties and functions and, subject to subsections (3) and (4), set their remuneration and terms of service.
- (3) The Board must set the salary of the financial officer and other employees of the Commission, which must be within the salary range for comparable positions in the Nunatsiavut Government.
- (4) Other terms and conditions of employment for the Commission's staff must be similar to those applicable to comparable positions in the Nunatsiavut Civil Service and be administered as if the staff were employees of the Nunatsiavut Government.

PART 5 COMMUNITY HOUSING COMMITTEES

Community Housing Committees Established

5.1

- (1) An Inuit Community Housing Committee is hereby established for each Community.
- (2) Subject to subsections 5.1(3) and 5.1(4) a Committee consists of no less than five and no more than seven members as determined by the relevant Inuit Community Government.
- (3) Any two members of the Inuit Community Council other than the AngajukKak, at least one of whom must be a Councilor elected by voters on the roll described in subsection 10.5.2(a) of the Constitution, must be appointed to the Community's Committee by the Community Council.
- (4) No less than one Inuk and no more than three Inuit must be elected to the Community's Committee by the residents of the Community.
- (5) An election for purposes of subsection 5.1(4) must be held on at least two weeks' notice under rules established for that purpose by the Community Council.
- (6) Where no one is elected under subsection 5.1(5) one Inuk resident of the Community must be appointed by the Minister from a list of three names submitted by the Community's AngajukKak.

- (7) Persons whose names are submitted on the list referred to in subsection 5.1(6) must be of good character and sign a letter of consent to act as a member of the Committee if appointed.
- (8) Members of Committees other than Inuit Community Councilors hold office for a term of 4 years from the date of their election or appointment.
- (9) A member of a Committee is eligible for re-election or reappointment.
- (10) The exercise of the powers of a Committee are not affected or impaired because of a vacancy in the membership of the Committee.

Committee Chairperson

5.2

- (1) The AngajukKak must designate one of the Committee members to be chairperson and the members must select another member to be vice-chairperson.
- (2) The Committee chairperson must ensure that:
 - (a) regular Committee minutes and complete books of accounts and records of the Committee are kept; and
 - (b) copies of all minutes are sent to the Commission.
- (3) The Committee chairperson presides at all meetings of the Committee and his or her decision on all points of order is final.
- (4) Where, at a meeting of the Committee, there is an equality of votes, inclusive of his or her own vote, the Committee chairperson has a second or deciding vote.
- (5) Where both the Committee chairperson and vice-chairperson are absent from a meeting of the Committee, the other members present must, with the prior written consent of the Committee chairperson, appoint a temporary chairperson who has and may exercise the powers and carry out the duties of the Committee chairperson at the meeting.

Committee Meetings

5.3

- (1) A Committee must hold a meeting on five days notice to all members of the Committee from the Committee chairperson.
- (2) Notice of a Committee meeting may be given by any means the Committee chairperson considers appropriate.

Committee Quorum

- 5.4 A majority of the members constitutes a quorum of the Committee.

Committee Compensation

5.5

- (1) The Executive Council shall, on the advice of the Minister and after consulting the Commission, authorize the payment of remuneration or honoraria and expenses to some or all Committee members.
- (2) All payments made pursuant subsection 5.5(1) are an expense of the Commission.

Committee Functions and Duties

5.6 Committees are responsible to the Commission through the Director of Housing and must:

- (a) provide advice and recommendations to the Commission through the Director of Housing with respect to:
 - (i) Community housing needs and priorities, including the need for serviced residential land; and
 - (ii) assessing applications for housing, housing assistance or housing programs and providing advice to the Director of Housing with respect to the allocation of social housing units to residents of the Inuit Community in accordance with program criteria, terms and conditions;
- (b) where provided by an Act of the Assembly or authorized by the Commission under subsection 3.7(k), make housing allocation decisions and perform other duties and functions in relation to housing in the Community; and
- (c) report quarterly to the Director of Housing.

5.7 Where an initiative is undergoing review pursuant to the *Nunatsiavut Environmental Protection Act*, Committees must, when requested or directed to do so by the Director of Housing, provide information or advice to the Commission with respect to:

- (a) impacts that the initiative may have on housing needs, housing programs or housing development in the Community; and
- (b) where the initiative is a housing development in the Community, the environmental factors that may affect the housing development and any negative environmental impacts that may be caused by the initiative.

PART 6 APPEALS OF HOUSING PROGRAM DECISIONS

Appeal of Committee Decisions

6.1

- (1) Where pursuant to subsection 3.7(k) a Committee has been delegated the power to make housing allocation and assignment decisions, a person directly affected and aggrieved by a decision or other action of the Committee may appeal to the Director of Housing who must within 14 days of receiving the appeal, provide a fair hearing to the appellant and the Committee and submit a written decision to the appellant, the Committee and the Minister.
- (2) The Director's decision is final and binding on the appellant and the Committee.

Appeal of Commission Decisions

6.2

- (1) A person directly affected and aggrieved by a decision of the Board or the Director of Housing who wishes to apply for a review of the decision must 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 must appoint an individual to review the application and the decision of the Board or the Director of Housing.
- (3) The Tribunal has 14 days to carry out a review and submit a written decision to the applicant, the Board and the Minister.
- (4) On a review the Tribunal must provide a fair hearing to the applicant and the Board.
- (5) The Tribunal's decision and recommendations are final and binding on the applicant the Commission and the Nunatsiavut Government and are not subject to review or appeal.

PART 7 REGULATIONS, TRANSITIONAL AND MISCELLANEOUS

Executive Council May Make Regulations

- 7.1 The Executive Council may make regulations generally, to give effect to the purposes of this Act, including regulations:
 - (a) refining, clarifying or supplementing, either generally or for a specific purpose, any term used in this Act, including a term defined in subsection 1.2(1);
 - (b) respecting housing programs, housing developments and the development of serviced residential land;

- (c) to promote and support employment of Inuit and the use of Inuit Businesses in the Nunatsiavut housing market;
- (d) in relation to the promotion, development, administration, operation and occupation of social housing, eligibility for social housing and the allocation of social housing;
- (e) to promote and regulate the affordability of housing, including the establishment of rent controls and the establishment of mechanisms, including property taxes, designed to control profiteering and inflation in the housing market;
- (f) respecting the establishment, contents, management, publication and use of the housing information system;
- (g) to provide for the implementation of housing needs assessments, including their scope, contents and publication and the frequency with which they are carried out;
- (h) to develop, supply and publish information respecting housing generally including information about housing programs, financing for housing and housing ownership and maintenance;
- (i) to establish and implement standards for energy efficiency and sustainability in relation to housing and housing developments and the interactions and interrelationships between them and the environment;
- (j) respecting orders and their issuance pursuant to subsection 1.10(2);
- (k) respecting monitoring and evaluation pursuant to section 1.13;
- (l) respecting the Commission and its governance, financial management and staff;
- (m) respecting the Committees and empowering Committees to make eligibility and allocation decisions pursuant to housing programs; and
- (n) establishing rules and procedures for appeals of housing program decisions under Part 6; and
- (o) for purposes of implementing any agreement negotiated pursuant to paragraph 7.1(1)(b).

Arrangements respecting Torngat Regional Housing Association

7.2

- (1) The Executive Council:
 - (a) must consult Torngat Regional Housing Association about the impact of this Act on Torngat Regional Housing Association, its role and functions, its programs, liabilities and assets, its clients and personnel and its possible relationship to the Commission;

- (b) may, in its discretion, enter into negotiations and an agreement with Torngat Regional Housing Association with respect to any and all matters referred to in paragraph 7.2(1)(a).
- (2) The Minister must report to the Assembly on the outcome of the consultations and any negotiations carried out under subsection 7.2(1) (a) and table in the Assembly any agreement negotiated pursuant to paragraph 7.2(1)(b).
- (3) Despite anything in this Act to the contrary but subject to appropriations, Torngat Regional Housing Association is eligible to receive funding from the Nunatsiavut Government for purposes of its activities in Nunatsiavut and to carry out housing programs on behalf of the Nunatsiavut Government for the period ending March 31, 2022. (IL 2022-03)
- (4) The Executive Council may, by order, extend the period under subsection 7.2(3) for an additional period not exceeding one year.

Consequential amendment to Labrador Inuit Lands Act

- 7.3 **Section 4.3 of the *Labrador Inuit Lands Act* and the heading immediately prior to that section are deleted and replaced with the following:**

Who may hold Inuit Freehold Title

- 4.3 Only an Inuk, Inuit, an Inuit Community Government, an Agency of the Nunatsiavut Government as defined in the *Financial Administration Act* or an entity that is at all times wholly owned and wholly controlled by an Inuk, Inuit or an Inuit Community Government may hold Inuit freehold title.

Consequential Amendment to Mandate of Joint Management Committee

- 7.4 **Section [42]² of the *Communities Financial Administration Act* is amended by adding a new subsection [42](3) as follows:**

- (3) The Joint Management Committee must, when requested by the Minister of Nunatsiavut Affairs, submit to the Minister a list of candidates for appointment to the Nunatsiavut Housing Commission in accordance with the requirements of sections 2.4 and 2.5 of the *Housing Act* and engage in the consultations referred to in section 2.11 of the *Housing Act*.

Effective Date

- 7.5 This Act comes into force on a date to be set by Order of the President.

² Subject to drafting and enactment of the *Communities Financial Administration Act*.

