

WFN Member New Housing Construction Grant



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**Policy
2015-86**

	AUTHORIZED BY	ilmix ^w əm nał səx ^w k ^w inaʔmam Council
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	DEPARTMENT	Development Services
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1. Policy

In accordance with the Westbank First Nation/stqa?txw'ln'íwt sqilxw Community Plan, the Council/yi səxwkwina?məm, Chief Saskatoon Berry/ilmixwəm siya? and Chief Bitterroot/ilmixwəm sp'ix əm are committed to further implement the Westbank First Nation (WFN) Housing Strategy in order to assist existing Allotment Holders who are constructing their own homes by providing an opportunity to apply for a New Housing Construction Grant.

2. Purpose

The purpose of this policy is to ease inequity and provide financial assistance to Allotment holders with a registered Certificate of Possession for their property, in the construction of a new home.

3. Scope

Council recognizes that for WFN Members receiving allotment homes and land, the cost of site servicing, extension of infrastructure and landscaping has historically been paid from WFN Own Source Revenue and not been included within the mortgage value of allotted land and homes.

This can create an inequity where Members receiving allotments do not pay for land improvements, while Allotment Holders must pay those costs. Accordingly:

- a) Owners that have built new homes after March 31, 2010 may apply for the New House Construction Grant during the Open periods as outlined in this policy.
- b) The New House Construction Grant amount for any new dwelling construction project will be no more than thirty-five thousand dollars (\$35,000.00).
 - i. Funding for the Grant will be identified and sourced yearly from the Housing Budget.
- c) References and related authorities listed within Section 8 support the application of this policy.
- d) **WFN's Allotment Commission or other body as determined by Council** administers this policy.
- e) Application Process Initiation
 - i. Each financial quarter, or on such other schedule as may be determined by the Commission, New Housing Construction Grant Applications are announced as "Open", and will be accepted for thirty

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- (30) calendar days from the date of the official Open Date.
- ii. The Commission will meet at least once per year to establish the form and content of the Application.
 - iii. In determining the form and content of the Application, the Commission must consider;
 - 1) Any conditions attached to the Grant by Council,
 - 2) The factors considered by the Commission in awarding the Grant as set out in Sections 3. c), h), i) and j) of this policy and the relative weighting of those factors,
 - 3) The questions to be asked of the Applicants in respect of those factors,
 - 4) The timing for the Grant process, including the delivery of the written notification under Section 3.m) of this policy,
 - 5) If applicable, the Closing Date for the receipt of Applications; and
 - 6) The date the Commission will meet to assess Applications under Section 3.k) of this policy.
- f) Notice of Open Date for Applications
- i. Notice of the Open Date for Applications shall be provided to the Membership by;
 - 1) Publication in the WFN newsletter mailed to Members,
 - 2) Separate written notice delivered or mailed to Members,
 - 3) Publication on the WFN website and the WFN social media outlets; and
 - 4) Posting of the notice in a public area of the Westbank administration building(s).
 - ii. The Administrator must arrange for one notice of the Grant to be provided to every eligible Member not less than five (5) days prior to the Open Date.
 - iii. The notice may contain any information or instructions that the Commission deems appropriate, but shall at minimum contain;
 - 1) A description of number and amount of the Grant,
 - 2) A summary of any conditions attached to the Grant,
 - 3) A statement that Applicants for a Grant must complete and deliver a copy of the Application; and

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- 4) The Closing Date, if any, for the receipt of the Application.
- g) Application Submission Period
- i. In order to be eligible to receive a Grant, an Applicant must complete and deliver to the Administrator a separate Application for each Grant in accordance with this policy and the terms contained in the Application.
 - ii. If the Administrator receives an incomplete Application before the Closing Date, the Administrator must:
 - 1) Notify the Applicant that their Application is incomplete; and
 - 2) Provide the Applicant with a description of the information that is required to complete the Application.
 - iii. The deadline for submitting the information required under Section 3. g) i. of this policy is the later of:
 - 1) The Closing Date for that Application; or
 - 2) If the Administrator delivers to the Applicant a notification under Section 3.g)ii. of this policy, 4:30 PM (Pacific Standard Time) on the day following delivery of that notification.

h) Application Eligibility

In order to qualify for the New Housing Construction Grant, an Applicant must;

- i. Not have previously received a Grant,
 - ii. Not have previously received an Allotment or a Lease-to-Purchase Allotment,
 - iii. Not be in financial arrears with WFN unless the Applicant provides evidence of a binding repayment plan,
 - iv. Currently hold a Certificate of Possession for the property referred to in the Application,
 - v. Complete the Application in full; and
 - vi. Submit the Application to the Administrator prior to the Closing Date.
- i) Eligible Projects
- Eligible projects under the New Housing Construction Grant must;
- i. Be undertaken by WFN Members who hold the Certificate of Possession for the property referred to in the Application,

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- ii. **Serve as the Applicant's primary residence,**
- iii. Include, but not be limited to;
 - 1) New house construction,
 - 2) Site grading and preparation for new house construction, either before or after construction is commenced,
 - 3) Retaining portions of the property referred to in the Application to create buildable areas,
 - 4) Servicing improvements (for example, but without limitation, connection to a water and or sanitary service),
 - 5) Site drainage improvements on the property referred to in the Application,
 - 6) Access improvements (for example, but without limitation, driveway grading, paving); and
 - 7) Other projects as defined from time to time by the Allotment Commission.
- j) Ineligible Projects
Without limitation, projects which are not eligible for the Grant include;
 - i. Renovations to an existing house,
 - ii. Additions or improvements to an existing house,
 - iii. Site retaining for landscaping; and
 - iv. Other projects as defined from time to time by the Allotment Commission.
- k) Application Assessment
 - i. Not more than ten (10) days after the Closing Date, the Allotment Commission must convene an *in camera* meeting at which it will assess the merits of each Application.
 - ii. The Applications provided to the Allotment Commission for review will have the Applicants' identifying information redacted.
 - iii. In considering an Application, the Allotment Commission must be satisfied that the Applicant;
 - 1) Has met the conditions, if any, attached by Council to the Grant,
 - 2) Has the financial means to comply with any financial conditions placed on the Grant; and

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- 3) Does not have an overdue account greater than sixty (60) days owed to WFN unless the Applicant has arranged a satisfactory repayment plan authorized by the WFN Finance Department.
- iv. In considering whether an Applicant has the financial means to comply with any construction associated with the Grant, the Allotment Commission may take into consideration:
 - 1) Whether the Applicant has a stable and proven income,
 - 2) A credit report and the credit history of the Applicant,
 - 3) An offer of financing or existing credit facilities provided to the Applicant from a financial institution; and
 - 4) Whether the Applicant is currently renting property from WFN, and whether the Applicant's rent has regularly been paid on time.
- v. In determining the order in which Applicants shall be considered for a Grant, the Allotment Commission must assign a score to each Application including those Applicants who have satisfied the requirements under Sections 3.h) and 3.i) of this policy.
- vi. Prior to reviewing any applications, the Allotment Commission must assign score values to each question on the Application based on factors established by the Allotment Commission for that particular application period.
- vii. The Allotment Commission will assess each Application by assigning a score to each question on the Application, which score shall be assigned based on consensus of the Commissioners.
- viii. Applicants will be eligible for a Grant based upon and in the order of those with the highest overall score.
- ix. If, at the meeting of the Allotment Commission held under Section 3.k)i. of this policy, it is determined that there are insufficient qualified Applicants, the Allotment Commission may:
 - 1) Decide not to proceed with the assessment and change the Closing Date for the receipt of Applications, in which case notice of the change in Closing Date will be provided to Members no later than fifteen (15) days after the date of the meeting.
 - 2) Add the current Grant to the next Grant award period.
- x. If there is a tie between one or more Applicants and the Allotment Commission cannot agree on which Applicant should receive the Grant, the Commission must, within fifteen (15) days from the date of

the assessment hold an *in camera* meeting at which a second application form will be created for the tied Applicants to complete.

- xi. Upon receipt of completed applications under Section 3.k)x. of this policy, the Allotment Commission must convene another *in camera* meeting to assess the Applications and determine which Applicant will receive the Grant.

l) **Applicant's Circumstance Change(s)**

- i. **If there is a significant change in an Applicant's circumstances** at any time during the Application process, including, but not limited to, changes in financial situation, such as change of job, the Applicant must immediately notify the Allotment Commission in writing of the change and deliver the notification to the Administrator.
- ii. If the Allotment Commission believes, acting responsibly, that an Applicant has deliberately provided false information to the Allotment Commission, the Allotment Commission may make a recommendation to Council that the Grant be rescinded.

m) Grant Notification

- i. Not more than thirty (30) days after the Allotment Commission completes its assessment and recommendation, the Administrator must deliver to each Applicant a written notification of the Allotment Commission's decision respecting the Applicant's Application (the "notification").
- ii. **The Allotment Commission's decision is final and not subject to appeal** unless there has been a breach of the Law or this policy that **prejudices the outcome of the Allotment Commission's decision.**
- iii. An Appeal based on Section 3.m)ii. of this policy will be brought to Council for review and for a final decision.

n) Repayment of Grant

- i. A successful Applicant will not be required to repay any portion of the Grant under the following conditions:
 - 1) The Grant is used to fund eligible projects contemplated by this policy and by the Allotment Commission.
 - 2) The property referred to in the Grant is the **Applicant's primary** residence.
 - 3) Removal of the Notice requires submission of WFN Lands Department form WFN-02.

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- ii. The successful Applicant agrees to registration of a Notice in the form of a registered lien (as outlined in Section 3.n)iii. of this policy) **against the Applicant's interest in the property referred to in the Application**, provided that:
 - 1) The registered lien is subordinate to a registered mortgage.
 - 2) Registration of the lien requires submission of WFN Lands Department forms WFN-04 and WFN-02.
- iii. Applicants who sell, transfer, assign or dispose of their interest in the property to another WFN Member or who enter into a lease (whether written or oral) of their Certificate of Possession for the property which is the subject of the Application within a period of five (5) years from the date of the Grant being administered;
 - 1) Must repay the Grant to WFN based on a declining total of twenty per cent (20%) per year (or portion thereof) of the original Grant amount. (For example, 20% of \$35,000 = \$7,000 per year reduction, such that \$28,000 would be repayable after one year or portion thereof),
 - 2) Will, until the Grant is repaid in accordance with Section 3.n)iii.1) of this policy, be deemed to be in arrears to WFN, and WFN will be under no obligation to remove the Notice or discharge the lien; and
 - 3) Are ineligible for any future Grants under this policy.
- iv. Applicants who fail to provide the Administrator with the Project Completion Report Form required under Section 3.o) of this policy within the time required under this policy will;
 - 1) Be required to repay the Grant in full,
 - 2) Until the Grant is repaid, be considered to have outstanding payments in arrears to WFN,
 - 3) Be ineligible for any and all future Grants under this policy; and
 - 4) Have no ability to require WFN to remove the Notice or discharge the lien.
- o) Reporting and Accountability

A successful applicant has a duty to submit a completed Project Completion Report Form as follows;

- i. Forms must be submitted to the Administrator within four (4) months of receipt of the Grant; and

- ii. Failure to submit a report, or submission of an incomplete report could result in required repayment of the Grant as described in Section 3.n)iii. of this policy.
- p) Withdrawal of Application

An Applicant may withdraw their Application at any time prior to confirming their acceptance of the Grant by delivering written notice of the withdrawal to the Administrator.
- q) Retention and Confidentiality
 - i. All information collected under this policy is considered personal, therefore protected, and may only be used for the purposes of the Allotment Commission and the Administrator in connection with the administration of this policy.
 - ii. The Administrator retains Applications for not less than one (1) year after a Grant has been administered.
- r) Policy Distribution and Availability

This policy must be made available to Members, and for inspection by Members at the WFN Administration Building. WFN may charge a reasonable fee for the provision of paper copies of this policy pursuant to Section 3.q).

4. Definitions

“Administrator” is the WFN Director of Development Services or designate as defined in Policy 2015-42 Allotment Commission.

“Allotment” as defined in the Westbank First Nation Constitution, is an interest in Westbank Lands granting a Member lawful possession of a part of Westbank Lands under Part XI of this Constitution or, prior to the date this Constitution comes into force granted pursuant to section 20 of the *Indian Act*;

“Allotment Commission” (the Commission) means the group of people responsible for the allotment of Westbank First Nation Lands to Westbank First Nation Members in accordance with the *Allotment Law*.

“Allotment Holder” means WFN Members holding the registered Certification of Possession for a particular piece of designated land.

“Applicant” means a Member who makes a formal application to the Commission for a New Housing Construction Grant.

“Application” means an application for a New Housing Construction Grant in the form and having the content determined by the Commission.

"Certificate of Possession" means documentary evidence of a Member's Allotment of Part of WFN Lands.

"Closing Date" refers to completion of the thirty (30) calendar day period from the Open Date, at which time the application period closes and Applications will not be accepted.

"Commissioner" means a person appointed to sit on the Commission under the *Allotment Law*.

"Council" means the governing body of Westbank elected pursuant to the Westbank First Nation Constitution.

"Deliver" means to deliver in person, by regular mail, by electronic mail or registered mail. Any correspondence delivered by regular or registered mail is deemed received five (5) business days after mailing.

"Grant" means the New Housing Construction Grant administered by the Allotment Commission under this policy.

"in camera" refers to a meeting, or portion of a meeting, that is open only to a defined group of people, for purposes of discussing matters of a confidential or sensitive nature where disclosure to non-participants might be prejudicial to an individual or to Westbank First Nation.

"Lease-to-Purchase" means a written contract setting out the terms and conditions of an Allotment of a dwelling and/or land package.

"Open Date" means the date the application period, under the New Housing Construction Grant, opens.

5. Responsibilities

- a) Council is responsible for approving New Housing Construction Grants when recommended by the Allotment Commission.
- b) Allotment Commission members are responsible for;
 - i. Administering this policy,
 - ii. Developing, implementing and, as may be periodically required, an application and review process,
 - iii. Determining which projects are eligible for a New Housing Construction Grant,
 - iv. Recommending successful applications for the New Housing Construction Grants to Council for approval,
 - v. Annually reviewing and updating this policy; and

- vi. Retaining or supervising retention of Grant applications for at least one (1) year from the date of Grant approval.
- c) The Administrator is responsible for;
 - i. Accepting Grant application submissions and withdrawals,
 - ii. Reviewing Grant applications and preparing them for the **Commission's evaluation,**
 - iii. Supporting the Commission in the preparation and delivery of correspondence,
 - iv. Providing assistance and guidance to the Commission when required,
 - v. Review and approving the completed Project Completion report; and
 - vi. Registering a depreciating lien against the property as described in Section 3.n) of this policy.
- d) To be eligible for a Grant, an Applicant is responsible for;
 - i. Submitting a completed application respecting each Grant for which the Applicant would like to be considered,
 - ii. Submitting all completed Grant applications within the time specified on each published Grant Notice,
 - iii. Providing all information required by the Grant application, on or before the Closing Date and responding to any other reasonable request for information from the Commission; and
 - iv. Agreeing to registration of a depreciating lien against the subject property as described in Section 3.n); and
 - v. Completing and submitting a Project Completion form within the specified time period.

6. Monitoring and Reporting

- a) The Allotment Commission;
 - i. Reviews Applications to confirm eligibility for the Grant, in accordance with Section 3.k) of this policy,
 - ii. May recommend to Council that a Grant be rescinded, in accordance with Section 3.l) of this policy; and
 - iii. Reviews and confirms the form and content of the Application at least annually, in accordance with sections 3.e)ii. and 3.e)iii. of this policy.
- b) **The Allotment Commission's decision on Grants is final and not subject to**

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appeal except in accordance with Section 3.m) of this policy.

- c) Applicants who sell, transfer, assign, or dispose of their interest in the property to another WFN Member, or who enter into a lease (whether written or oral) of their Certificate of Possession for the property which is the subject of the Application within a period of five (5) years from the date of the Grant being administered, must repay the Grant to WFN in accordance with Section 3.n) of this policy, and will be ineligible for any future Grants under this policy.
- d) Applicants are required to submit a completed Project Completion Report Form in accordance with Section 3.o) of this policy.
- e) Information collected under this policy is protected and retained in accordance with section 3.q) of this policy.

7. Approval

This policy was approved by Council/ilmixwəm nał səxwkwina?mam via Resolution of Council ##170814-12 on the 14th day of August, 2017 and signed by the **Director of Operations/səxwkwuləm k'el yʕayʕat** on the 24th day of October, 2017.



Pat Fosbery, Director of Operations/ səxwkwuləm k'el yʕayʕat

8. References and Related Authorities

[Westbank First Nation Self-Government Agreement](#)

[WFN Allotment Law No. 2006-03](#)

[WFN Residential Premises Law No. 2008-03 \[as amended March 22, 2010\]](#)

[Policy 2015-42 Allotment Commission](#)

9. Attachments

None.