

Note: Only sections 3 (1), 8 and 9 of this Act are in force. The remainder of the Act is not in force until Executive Council passes a resolution bring it into force.



huu ay aht

ANCIENT SPIRIT, MODERN MIND

HOUSING AUTHORITY ACT

The Huu-ay-aht Legislature enacts this law to establish a Huu-ay-aht public body to administer rental housing.

REGISTRY OF LAWS CERTIFICATION

I certify that the *Housing Authority Act* was passed by Executive Council on:

March 30,2023



Chief Councillor, Robert Dennis

I certify that the *Housing Authority Act* is enacted as law on:

March 30,2023



Ta'yü Hawilth, Derek Peters

I certify that the *Housing Authority Act* came into force on:

March 30,2023



Law Clerk, Coraleah Bauer

HOUSING AUTHORITY ACT

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Note to Reader

The *Housing Authority Act* establishes the Huu-ay-aht housing authority as a Huu-ay-aht public body to

- administer, manage and maintain Huu-ay-aht rental housing,
- finance and construct new Huu-ay-aht rental housing, and
- acquire interests in land as required for Huu-ay-aht rental housing.

The sole member or shareholder of the housing authority will be Huu-ay-aht First Nations, and the Executive Council will appoint the directors to the housing authority board.

The Act requires that Executive Council enact a housing policy regulation that sets out

- the composition of the board of directors,
- the processes by which directors will be selected,
- the process by which the housing authority will consult with non-citizen stakeholders,
- the process by which non-citizen stakeholders or their representatives will be given the opportunity to participate in discussions and vote on decisions of the housing authority that directly and significantly affect non-citizen stakeholders,
- requirements for director remuneration,
- duties of the board and the directors, and
- major decisions of the board that require Executive Council approval.

The Legislature enacts as follows:

PART 1 - PURPOSE AND INTERPRETATION

Purpose

- 1 The purpose of this Act is to establish a Huu-ay-aht public body to administer rental housing.

Definitions

- 2 In this Act:
- “**board**” means the board of directors of the housing authority;
 - “**consult**” has the same meaning as the one set out in the Treaty;
 - “**director**” means a director of the housing authority;
 - “**housing authority**” is the entity designated by Executive Council as the housing authority in accordance with section 3 (1);
 - “**Huu-ay-aht housing**” means rental housing operated by the housing authority;
 - “**non-citizen stakeholder**” means an individual who has reached the age of majority, is ordinarily resident on Treaty Lands, is not a Huu-ay-aht citizen and is directly and significantly affected by a decision of the housing authority; and
 - “**Treaty Lands**” means the lands set out in Appendix B-1 of the Treaty, as amended from time to time under the Treaty.

PART 2 - HOUSING AUTHORITY ADMINISTRATION

Housing authority established

- 3 (1) Executive Council may, by regulation, designate an entity as the housing authority.
- (2) The housing authority is established
- (a) as a Huu-ay-aht public institution under section 13.11.1.a of the Treaty, and
 - (b) as a Huu-ay-aht public body under section 32 (b) of the *Government Act*.

Mandate

- 4 (1) The mandate of the housing authority is to
- (a) administer, manage and maintain Huu-ay-aht housing in accordance with the *Rental Housing Regulation*, HFNR 1/2022 and other applicable laws,
 - (b) finance and construct new Huu-ay-aht housing with the approval of Executive Council, and
 - (c) acquire interests in land as required for Huu-ay-aht housing.
- (2) The housing authority must perform the duties and may exercise the powers reasonably necessary for it to fulfill its mandate, subject to this Act and all applicable laws.

Restriction on activities

- 5 The housing authority may only engage in activities that
- (a) reasonably fall within its mandate or are necessarily ancillary or incidental to that mandate, and
 - (b) are consistent with its contractual obligations to the HUU-AY-AHT.

Member or shareholder of housing authority

- 6 The sole member or shareholder of the housing authority must be HUU-AY-AHT First Nations, as represented by Executive Council.

Appointment of directors

- 7 Executive Council will exercise its authority to appoint the directors in accordance with the policy prescribed under section 8.

Housing authority regulation

- 8
- (1) Executive Council must, by regulation, adopt a housing authority policy.
 - (2) The regulation under subsection (1) must set out the following:
 - (a) requirements relating to the composition of the board of directors of the housing authority, including
 - (i) the minimum and maximum number of directors,
 - (ii) selection criteria for the directors,
 - (iii) the term of office for directors,
 - (iv) the processes by which vacancies on the board will be filled, and
 - (v) the circumstances in which directors will be removed from the board,
 - (b) the processes by which the directors to be appointed by Executive Council are selected,
 - (c) the process by which the housing authority will consult with non-citizen stakeholders concerning decisions of the housing authority that directly and significantly affect those non-citizen stakeholders,
 - (d) the process by which non-citizen stakeholders or their representatives will be given the opportunity to participate in discussions and vote on those decisions of the housing authority that directly and significantly affect non-citizen stakeholders,
 - (e) requirements for director remuneration,
 - (f) duties of the board and the directors,
 - (g) major decisions of the board that require Executive Council approval, and
 - (h) any other matters Executive Council considers advisable.

PART 3 - GENERAL**Power to make regulations**

- 9** (1) Executive Council may make regulations referred to in section 39 of the *Interpretation Act*, HFNA 14/2011.
- (2) Without limiting subsection (1), Executive Council may make regulations as follows:
- (a) designating an entity as the housing authority under section 3 (1); and
 - (b) adopting a housing authority policy under section 8.

Commencement

- 10** This Act comes into force as follows:
- (a) sections 3 (1), 8 and 9, on the date of the enactment of this Act by the Legislature; and
 - (b) other sections on a date set by resolution of Executive Council.