



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.