

**REGULATION TO ESTABLISH PROGRAMS TO MAKE UNITS IN THE NAIN
PROTOTYPE BUILDING AVAILABLE FOR SENIORS AND YOUTH**

Contents

1. Authority
2. Short Title
3. Interpretation
4. Prototype to be used for housing programs
5. Occupancy of Units
6. Seniors' Program
7. Youth Program
8. Eligibility criteria applicable to both programs
9. Rental
10. Application to participate in a program
11. Privacy of Information
12. Applications to be considered by the Prototype Administrative Committee
13. Criteria for allocation of Units to eligible youth and seniors
14. Committee decisions
15. Waiting list and Vacancies
16. Review of Committee Decisions
17. Requirements for going into possession of an allocated Unit
18. Program lease agreements
19. Participants and termination of participation
20. Prototype Administrative Committee
21. Effective Date

Authority

1. This regulation is made by the Nunatsiavut Executive Council acting on the advice of the Minister of Health and Social Development under section 9 of the *Housing Initiatives (Hopedale And Nain) Act*.

Short Title

2. This regulation may be referred to as the *Prototype Housing Regulation*.

Interpretation

3.
 - (1) In this Regulation:
 - “Act” means the *Housing Initiatives (Hopedale And Nain) Act*;
 - “Beneficiary” means an individual registered on the Register of Beneficiaries of the Labrador Inuit Land Claims Agreement;

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“Committee” means the Prototype Administrative Committee established under subsection 20(1) of this Regulation;

“Minister” means the Minister of Health and Social Development of the Nunatsiavut Government;

“Nain” means the Inuit Community of Nain as established under the Labrador Inuit Land Claims Agreement;

“participant” means an eligible applicant who has been allocated a program Unit and who has entered into a lease agreement with the Minister with respect to that Unit;

“program” means the seniors’ program or the youth program or both of them;

“senior” means a Beneficiary who is 55 years of age or older;

“seniors program” means the program described in section 6(1) of this Regulation;

“Unit” means a residential unit in the Prototype;

“youth” means a Beneficiary who is older than 18 years of age and has not yet reached his or her 31st birthday; and

“youth program” means the program described in section 7(1) of this Regulation.

- (2) Words and phrases not defined in this Regulation have the meaning assigned to them in the Act.

Prototype to be used for housing programs

4. The Prototype shall be used and administered to provide residential accommodations for seniors and youth in accordance with this Regulation.

Occupancy of Units

5. Only those Beneficiaries who
- (a) have been approved by the Committee as being eligible to participate in a program;

- (b) have been allocated a Unit by the Committee;
- (c) have agreed to abide by the terms and conditions of the relevant program and the Prototype technical and social monitoring arrangements; and
- (d) have entered into a lease agreement with the Minister may occupy Units in the Prototype.

Seniors Program

- 6.
- (1) The seniors program provides eligible seniors an opportunity to rent a Unit.
 - (2) In order to be eligible to participate in the seniors program an applicant must:
 - (a) be a senior;
 - (b) be resident in Nain; and
 - (c) meet the program requirements set out in section 8 of this Regulation.
 - (3) The Minister shall designate and reserve 3 Units for the seniors program.

Youth Program

- 7.
- (1) The youth program provides an opportunity to eligible youth to rent a Unit.
 - (2) In order to be eligible to participate in the youth program an applicant must be a youth who meets the program requirements set out in section 8 of this Regulation and who:
 - (a) is resident in Nain; or
 - (b) lives outside Nain and wishes to move to Nain to take up a written offer of employment but is unable to do so because he or she does not have or cannot find accommodation ; or

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(c) is originally from Nain and wishes to return to his or her community of origin but is unable to do so because he or she does not have or cannot find accommodation.

(3) The Minister shall designate and reserve 3 Units for the youth program.

Eligibility criteria applicable to both programs

8. In order to be eligible to participate in a program an applicant must, in addition to the applicable eligibility requirements in section 6 or 7 of this regulation:
- (a) agree to limit occupancy of the Unit assigned to him or her to a maximum of one other adult and up to 2 children under the age of 16 years and provide their full details;
 - (b) provide for each adult who will occupy the assigned Unit a written undertaking not to use alcohol or illegal drugs and not to smoke in the Prototype;
 - (c) possess the means or physical ability to maintain a Unit;
 - (d) have an identified source of income and demonstrate an ability to pay a damage deposit and make the required monthly rental payments; and
 - (e) have a bank account and be willing to make pre-authorized monthly rental payments from that account.

Rental

- 9.
- (1) The rental payable for a Unit in both programs is \$550 per month including heat and light.
 - (2) The damage deposit is 75% of one month's rent but the Minister may agree to a payment plan on a case-by-case basis.
 - (3) The rental shall be reviewed annually by the Minister and may be varied annually for either or both programs by written decision of the Minister.

Application to participate in a program

- 10.
- (1) An individual who wishes to participate in a program must
 - (a) complete an application; and
 - (b) demonstrate that he or she meets the relevant program eligibility criteria; and
 - (c) supply any additional information that may be requested by the Committee for purposes of deciding:
 - (i) the applicant's eligibility; or
 - (ii) whether to allocate a Unit to the applicant; and
 - (d) agree to participate in technical and social monitoring arrangements for the Prototype if allocated a Unit.
 - (2) An application to participate in a program shall be in the form and be accompanied by the documentation prescribed by the Minister and must be submitted as directed by the Minister in a notice under this section.
 - (3) The Minister shall invite applications to participate in the programs by giving public notice in Nain that applications may be made.
 - (4) A notice shall state where application forms may be obtained, where completed applications are to be submitted and the closing date for receipt of applications, which shall be no less than two weeks after issuance of the notice.
 - (5) Subject to subsection (4) notice may be given by whatever method, in whatever form and contain whatever information the Minister considers appropriate.
 - (6) The Minister may from time to time declare a program open for new applications by giving notice in accordance with subsections (3), (4) and (5).
 - (7) An application submitted after the closing date for receipt of applications is automatically disqualified and shall not be considered.

Privacy of Information

11. Information contained in an application or provided in connection with an application is confidential and shall not be disclosed or released to any person other than a person who has a need to know the information in relation to a Committee decision:
- (a) about whether the applicant is eligible for the relevant program;
 - (b) about whether to allocate a Unit to an applicant; or
 - (c) made for purposes of administering a program including a decision respecting ongoing eligibility of a participant.

Applications to be considered by the Prototype Administrative Committee

- 12.
- (1) The Minister shall, by notice or otherwise, direct all applications for participation in a program to the Committee or a member of the Committee.
- (2) The Committee shall:
- (a) determine whether an applicant is eligible to participate in the program; and
 - (b) allocate Units to eligible youth and seniors.

Criteria for allocation of Units to eligible youth and seniors

- 13.
- (1) The Committee shall, in its sole discretion, allocate Units available for the senior's program to eligible seniors having regard to the information supplied by the applicant and whether he or she:
- (a) is homeless or inadequately housed;
 - (b) is living in overcrowded or substandard housing;
 - (c) has issues with physically heating their home such as chopping wood;
or
 - (d) is being abused in his or her current home.

- (2) The Committee shall, in its discretion, allocate Units available for the youth program to eligible youth having regard to the information supplied by the applicant and whether he or she:
- (a) is inadequately housed;
 - (b) is a youth aging out of care by the Newfoundland and Labrador Department of Children, Seniors and Social Development who wants to return to his or her community of origin;
 - (c) is originally from Nain and demonstrates a job offer in Nain;
 - (d) is originally from Nain and wishes to return to Nain; or
 - (e) is one of two eligible applicants both of whom are willing to co-reside.
- (3) In considering whether an applicant is living in overcrowded or inadequate housing the Committee shall have regard to the National Occupancy Standard which identifies a home as 'suitable' when there is a separate bedroom for (i) each cohabiting adult couple, (ii) each unattached household member over the age of 18, (iii) each same-sex pair of children under 18, and (iv) each additional boy or girl understanding that opposite sex children under the age of 5 may share a bedroom.

Committee decisions

14.

- (1) Once the Committee has made all eligibility and allocation decisions it shall advise all applicants of its decisions with respect to their applications and give an explanation for the decisions
- (2) The decisions referred to in subsection (1) do not take effect for 14 days or until any appeals with respect to the decisions have been completed in accordance with the Act.

Waiting list and Vacancies

15.

- (1) The Committee shall maintain a waiting list of eligible applicants for each program.
- (2) If an eligible applicant who is allocated a program Unit does not accept the Unit on the terms and subject to the conditions on which it is offered, the Committee shall allocate the Unit to an eligible applicant on the waiting list

for the program following a review of all names on the list having regard to criteria in section 13 and in accordance with section 14.

- (3) Where a program Unit has been rented to a participant and the Unit subsequently becomes vacant:
 - (a) the Committee may allocate the Unit to a person on the program waiting list in accordance with subsection (2); or
 - (b) the Minister may re-open the application process with respect to a program in which case the waiting list shall be void and the vacant Unit or Units shall be allocated following the process set out in section 10 and sections 12 to 14 of this Regulation without regard to the waiting list.
- (4) The Committee shall keep the program waiting lists confidential but may, with the consent of the Minister release a program waiting list to a member of the Executive Council or the AngajukKâk for Nain.
- (5) A program list provided under subsection (4) shall be comprised solely of the names of eligible applicants waiting for the allocation of a Unit.

Review of Committee Decisions

16.

- (1) A person who is directly affected and aggrieved by an eligibility decision or an allocation decision made by the Committee may request a review of the decision in accordance with section 10 of the Act.
- (2) The Minister shall prescribe a form to be used by persons who wish to request a review of a Committee decision.
- (3) A request for a review of a Committee Decision shall be addressed to the Director of Legal Services.
- (3) The Director of Legal Services shall advise a person who requests a review of a Committee decision of the name of the Tribunal forthwith upon appointment of the Tribunal.

Requirements for going into possession of an allocated Unit

17.

- (1) When the Committee allocates a Unit to an eligible applicant it shall, as soon as reasonably possible after its decision comes into effect, provide the

applicant with a written offer that identifies the Unit, describes the Prototype technical and social Monitoring Program and sets out in writing the terms and conditions on which the Unit is offered including those associated with the Prototype technical and social Monitoring Program.

- (2) In order to become a program participant and to go into possession of a Unit the person to whom it is offered must:
- (a) agree in writing to participate and cooperate in the Prototype technical and social Monitoring Program;
 - (b) provide acceptance of the offer and the terms and conditions without exception or reservation; and
 - (c) enter into a residential tenancies lease with the Minister in a form satisfactory to the Minister.

Program lease agreements

18. The terms of a lease agreement for a Unit shall:
- (a) require that the participant comply with the requirements of the Prototype technical and social Monitoring Program;
 - (b) require that a participant comply with rules made by the Minister pursuant to section 5 of the Act and the rules referred to in section 8 of the Act; and
 - (c) provide that the participant's eligibility to continue as a participant in a program and the tenancy may be terminated by the Minister on one month's written notice in the event of a breach of any of those rules.

Participants and termination of participation

- 19.
- (1) A person shall be a program participant for the purposes of the Act and be entitled to possession of the Unit allocated to him or her upon execution of the applicable lease agreement by the Minister and subject to its terms.
 - (2) A participant's eligibility to rent a Unit may, upon reasonable written notice to the participant, be reviewed by the Committee from time to time and may be revoked by the Committee if the participant is no longer eligible to participate in the program, if the participant is not in compliance with the rules referred to in sections 5 and 8 of the Act or if the participant is in breach of the lease agreement.

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- (3) A committee decision under subsection (2) shall be delivered in writing to the participant and the Minister and does not come into effect for a period of 14 days during which time the participant may request a review of the decision in accordance with section 16 of this regulation and section 10 of the Act.

Prototype Administrative Committee

20.

- (1) There shall be a Prototype Administrative Committee to oversee the administration of the Units and the programs in accordance with the Act.

(2) The members of the Committee shall be:

- (a) the Deputy Minister of the Department of Health and Social Development who shall be the Chair of the Committee;
- (b) The Deputy Minister of the Nunatsiavut Secretariat;
- (c) the Deputy Minister of the Department of Nunatsiavut Affairs;
- (d) the Director of Policy and Planning, Nunatsiavut Secretariat; and
- (e) the Implementation Analyst of the Department of Nunatsiavut Affairs.

(3) The roles and responsibilities of the Committee shall be:

- (a) publishing information about the programs;
- (b) designing and receiving applications for admission to the programs;
- (c) determining eligibility for participation in the programs;
- (d) allocating Units to eligible youth and seniors;
- (e) recommending annual rental structures and rates and arrangements to secure the payment of rent;

- (f) removal of a participant from a program for cause or if the participant is no longer eligible to participate in the program;
 - (g) establishing Committee rules and procedures; and
 - (h) carrying out such other functions and duties as may be assigned by this regulation or the Minister from time to time.
- (4) The Committee shall have discretion to consult with others in fulfilling its roles and responsibilities.
- (5) The Committee's Schedule of Meetings will be flexible with more frequent meetings as the initial participation and allocation criteria are established and applications are processed, and when vacancies occur or issues arise with tenants but a minimum of quarterly meetings shall be held.
- (6) Minutes will be recorded by a designated person (rotated among committee members) and distributed to all Committee members.
- (7) Minutes and information held by the Committee shall be kept confidential in accordance with the requirements of section 11 of this Regulation.

Effective Date

21. This regulation shall be deemed for all purposes to have come into effect on the 1st day of March 2018.