

Directive concerning the allocation of dwelling units in low rental housing in Nunavik

SECTION I

CATEGORIES AND SUBCATEGORIES OF DWELLINGS IN LOW RENTAL HOUSING

1. Dwelling units are classified in four categories A, B, C and D.
2. A Category A dwelling may only be allocated to a household that meets the following conditions:
 - 1° at least one person who is over 50 years old or older;
 - 2° at least one handicapped person who, due to motor disabilities, is likely to have difficulty entering a dwelling or moving around in it.

In the case mentioned at paragraph 1, the Kativik Municipal Housing Bureau (KMHB) may set, by bylaw, a minimum age for the other members of the household.

3. A category B dwelling may only be allocated to a household consisting of one or more persons, of whom the applicant or the head of the household is 18 years or older or an emancipated minor.
4. A category C dwelling may only be allocated to a person who, because of his or her physical, emotional or psychosocial condition, needs special facilities or personal assistance services on-site, excluding food services.
5. For the purpose of this directive, the expression handicapped person means a handicapped person within the meaning of section 1 of the *An Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration* (R.S.Q., Chapter E-20.1).
6. A Category D dwelling (intergenerational dwelling) is an independent dwelling that is physically attached to another independent dwelling of a different size, which together form a main dwelling and a secondary dwelling.

The main dwelling is reserved for a household consisting of one or more people with an applicant or head of household that is either 18 years old or older of age or an emancipated minor.

The secondary dwelling is reserved for households consisting of one person living alone or with a spouse. At least one member of the household of the secondary dwelling must be over 50 years of age. They must be a relative or friend of one of the members of the household of the main dwelling.

The households of the main dwelling and secondary dwelling must have clearly expressed in writing their intention to live as immediate neighbours.

If one of the households leaves their dwelling, the other household shall be relocated in accordance with Article 1990 of the *Civil Code*.

7. Dwellings in low rental housing are also classified into subcategories, depending upon whether the dwelling is a room or studio apartment or according to the number of bedrooms.

Dwelling units in low rental housing that are built or developed for handicapped persons who because of his motor disabilities is likely to have difficulties in entering a dwelling or to circulate within also constitute a subcategory.

8. A dwelling in low rental housing may only be allocated, depending on the subcategory to which it belongs, in accordance with the following rules:

- 1° a studio apartment or the first bedroom shall be allocated to the head of the household and his spouse, if any;
- 2° an additional bedroom is allocated to a handicapped person whose disability or means used to compensate for the handicap prevents the person from sharing a bedroom;
- 3° an additional bedroom shall be allocated to any additional person included in the household; 2 persons of less than 7 years of age shall share a bedroom;
- 4° a bedroom may be occupied by 2 persons of the same sex of 7 years of age or older;
- 5° an additional bedroom is allocated to a person 16 years old or more and if applicable, to his spouse;
- 6° if custody of a child is shared, an additional bedroom is allocated only if the child lives with the concerned household at least 40% of the time.
- 7° if a child is the subject of a placement order from court, an additional bedroom is allocated if the child who is the subject of the order will live with that household for a period longer than one year.
- 8° if a household is an emergency foster home certified by social services, an additional bedroom will be allocated to that household. Proof of certification from social services must be supplied to KMHB by the household each year on the 1st of July. If the household is no longer certified as an emergency foster home or if the household fails to submit proof of certification, the household will be relocated in accordance with article 1990 of the Civil Code of Québec, in a suitable dwelling in accordance with this article.

A limit of one (1) bedroom may be added when interpreting rules 7 and 8 of this paragraph.

SECTION II

PUBLIC NOTICE OF SELECTION

- 9.** When a dwelling is made available for rent for the first time, the KMHB must post a notice to that effect in each of its local offices.
- 10.** This notice must include the following elements:
- 1° the name and address of the KMHB;
 - 2° the village in which the dwelling is located;
 - 3° the number of available dwellings by category and subcategory;
 - 4° the conditions or criteria for the eligibility of rental applications and the conditions or criteria for rental eligibility;
 - 5° registration procedures including the address to which applications are to be submitted as well as the application deadline, which must be at least 30 days after the publication of the notice.

SECTION III

APPLICATION AND REGISTRATION

- 11.** An application for the leasing of a dwelling in low rental housing is made in writing on the form provided by the KMHB and must contain the following information:
- 1° the full name, date of birth, social insurance number and telephone number of the applicant as well as of each member of the household and their relation to the applicant, where appropriate;
 - 2° their status as a Canadian citizen or permanent resident and, where applicable, as a beneficiary of the James Bay and Northern Quebec Agreement (JBNQA);
 - 3° a description of their degree of autonomy;
 - 4° their place of residence and, where applicable, the address of each of their places of residence during the 24 months preceding the application;
 - 5° their status as a handicapped person or that of another member of the household;
 - 6° the shared custody of one or more of their children;
 - 7° their status as an emergency foster home accredited by social services;
 - 8° the village regarding which they are applying.

The application must be accompanied by documents certifying the information referred to in paragraphs 2 and 7 of the first clause.

12. The KMHB will maintain a registry for each of the Northern Villages located in their territory.

The KMHB shall enter in the registry of applications for the lease of a dwelling in low rental housing to be kept by them for the selection territory, any applications meeting the provisions of paragraph 11.

13. Within 30 days of receiving a rental application, the KMHB must provide confirmation of its receipt and notify the applicant of its decision to record or not record their application in the register.

In the latter case, the KMHB must inform the applicant of the reasons for its decision and tell them that they may contact the *Régie du logement* to have the decision reviewed.

SECTION IV ELIGIBILITY

14. An applicant shall be eligible to lease a dwelling in low rental housing in the category or subcategory to which he is entitled under the following conditions:

- 1° He is included in the application register;
- 2° He is capable, either independently or with external support or help from a person living with them, of satisfying their basic needs, particularly those related to personal care and ordinary household tasks;
- 3° He is either 18 years old or older or an emancipated minor;
- 4° He is a beneficiary, under Article 3A.3 of Chapter 3, of the James Bay and Northern Quebec Agreement (JBNQA), including subsequent amendments;
- 5° If he is not a beneficiary of the JBNQA in the meaning of paragraph 4°, they are a Canadian citizen or permanent resident and must have resided in the village located on the Nunavik territory for which they are submitting a housing application for a period of at least 12 consecutive months prior to the filing date of the application or its renewal, if this is the case.

15. An applicant is not eligible to lease a dwelling in low rental housing if:

- 1° They or their spouse has a debt related to low rental housing in Nunavik and no acknowledgement of debt accompanied by a payment agreement has been concluded or, if a payment agreement has been concluded, the applicant or, where applicable, a member of their household has defaulted on that agreement;
- 2° They or a member of their household was a tenant of a dwelling for which the lease was terminated under Article 1860, 1863 or 1971 of the *Civil Code*;

3° They or a member of their household abandons a dwelling;

The ineligibility under paragraphs 2° and 3° is valid for a maximum period of five years from the date of eviction or of termination of the lease.

16. The KMHB will submit, for recommendation, to the housing committee provided for in Section IX, any application for the lease of a dwelling that is entered in the application registry.

17. Within the 60 days of the recording of the application in the register and after having received the comments of the housing committee, the KMHB shall inform the applicant of its decision to register or not to register them on the eligibility list for rental housing as well as of their standing, if applicable.

Nevertheless, the KMHB may defer the eligibility review of an application included in the register until it expects to assign dwellings; it must notify the applicant of this decision within the timeframe described above.

18. In the event that the KMHB refuses to register the applicant on the eligibility list, it must inform the applicant, in writing and within the same timeframe, of the reasons for its decision and tell them that they may contact the *Régie du logement* to have the decision reviewed.

19. The KMHB shall register on the eligibility list any applicant that is eligible under the conditions set out in Section VI.

SECTION V

RANKINGS

20. Every eligible person is assigned a classification, first on the basis of the category and subcategory of dwelling to which the person is entitled, then on the basis of the evaluation of the priority of the person's application and the ranking assigned.

21. The following are considered priority applications:

1° The applicant must be relocated in a dwelling of the category and subcategory to which they are entitled under Article 1990 of the *Civil Code*;

2° The applicant or a member of their household who is living in a dwelling and whose health or safety, or that of a member of their household, where applicable, requires that they be relocated (a report from medical services, social services, the police or another competent authority must support the housing application for priority to be granted);

3° The applicant is a victim of domestic violence (a report issued by medical services, social services, the police or another competent authority must support the housing application for priority to be granted);

4° The applicant's dwelling is destroyed by a disaster or is declared unfit for habitation for a period greater than 30 days by the village's local KMHB,

provided the housing application is submitted to the KMHB in the 15 days following the event;

5° The applicant's has had an application for a dwelling in low rental housing for ten (10) years or more.

22. Priority applications within a single housing category or subcategory are ranked according to the priority order presented above, with paragraph 1° corresponding to the highest level of priority.

23. When the KMHB receives more than one application of the same priority level for the same category or subcategory, they are evaluated as regular applications; the application that receives the most points is given precedence on the eligibility list.

24. (deleted)

25. (deleted)

26. Rankings and points are awarded using the following criteria:

1° the annual gross income of the head of household as well as of each independent person, meaning any person over 18 years of age or emancipated minor living with the head of household, included in the future household for the fiscal year preceding the date of the application for affordable housing. Supporting documents are required. Points are awarded to the household according to the following table:

Annual household income	Household composed of 1 to 3 people	Household composed of more than 3 people
\$0 to \$20,000	20 points	40 points
\$20,001 to \$40,000	15 points	30 points
\$40,001 to \$60,000	10 points	20 points
\$60,001 to \$80,000	5 points	10 points
\$80,001 and over	0 points	0 points

2° the number of years of seniority of the rental application. A maximum of 35 points may be awarded for seniority:

Years of seniority of the application	Weighting of seniority
0	0 points
1	1 point

2	3 points
3	6 points
4	10 points
5	15 points
6	20 points
7	25 points
8	30 points
9	35 points

- 3° the number of minor children of which the applicant has custody at least 40% of the time: **3 points** per child.
- 4° the physical condition of the dwelling: when the applicant or their household participates, to the satisfaction of the KMHB, in a certification program for proper housing maintenance implemented by the KMHB, **5 points** are awarded.
- 5° overcrowding: **5 points** are awarded for each additional bedroom required.

The number of additional bedrooms required is determined by calculating the difference between the number of bedrooms required to house the household in accordance with the occupancy standards described in Section II and the number of bedrooms available to the household in their current dwelling.

When more than one family is occupies a dwelling, **15 points** are awarded.

SECTION VI

ELIGIBILITY LIST

27. For each of its registers kept under Article 12, the KMHB keeps an eligibility list organized by category and subcategory of housing by recording the names of eligible people given their ranking.

First on the list are priority requests in the order of precedence defined in Articles 21, 22 and 23, then the other applications in descending order of the scores obtained during evaluation.

If two applications receive the same score, precedence is given to the one that indicated a greater number of dependent children. If this does not break the tie, precedence is given to the application with the most seniority.

28. An applicant's place on the eligibility list is valid until the annual expiration date of the application: April 1st. However, applications filed between January 1st and March 31 remain valid until April 1st of the next year.

29. At least 30 days before an applicant's place on the eligibility list is due to expire, the KMHB shall notify the applicant, in writing, that they will be removed from the list unless they notify the KMHB, in writing and before April 1st, that they still wish to obtain affordable housing. Applicants wishing to remain on the list must, at the same time, inform the KMHB of any changes to the information regarding their application.

30. The eligibility list is updated periodically, as needed, taking into account new eligible applications, deletions, re-registrations and applications whose rankings have been changed.

31. All persons on the eligibility list must notify the KMHB, in writing, of any changes in their situation or, where applicable, that of their household, that may affect the eligibility or ranking of their application.

32. The KMHB shall make the eligibility list available for consultation at their local office and any other suitable location in each of the villages it serves. To this end, it must use a system that keeps private the identities of those on the list.

SECTION VII

HOUSING ALLOCATION

33. The KMHB shall allocate a vacant dwelling to an applicant in the order of priority determined on the list of eligible persons.

Nevertheless, the KMHB may, by regulation, reserve a dwelling for a tenant-supervisor in a building consisting primarily of Category A or C dwellings.

34. The KMHB shall inform an applicant who is entitled to a dwelling in low rental housing, by any means of communication that a dwelling has been allocated to him.

35. Applicants to whom housing is offered are given 7 days in which to indicate their acceptance or refusal. Failure to reply within that timeframe is considered a refusal.

SECTION VIII

STRIKING OFF THE LIST AND RECLASSIFICATION

36. The KMHB may, after having received the comments of the housing committee, remove from the list a person who no longer meets the eligibility requirements or amend the ranking of a person whose change of situation affects their ranking.

37. The KMHB shall remove from the eligibility list any person who fails to submit the information referred to in Article 29 within the allotted timeframe.

38. The KMHB shall remove from the eligibility list the name of any applicant who refuses housing that has been offered to them.

This removal from the list is valid for a maximum period of one year from the date of refusal.

39. The KMHB shall also remove from the list the name of any applicant who refuses to take possession of a dwelling that has been assigned to them.

This removal from the list is valid for a maximum period of 3 years from the signing of the lease.

40. Articles 38 and 39 notwithstanding, an applicant who refuses to rent a dwelling that has been offered to them by the KMHB may retain their place and rank on the eligibility list as well as their right to rent a similar dwelling in the following cases:

- 1° a fortuitous event of force majeure prevents the applicant from occupying the dwelling within 90 days of receiving the notice;
- 2° the applicant or a member of their household is handicapped and the dwelling presents structural barriers resulting in difficulty accessing or navigating the dwelling;
- 3° due to special circumstances, accepting the dwelling would lead to a marked deterioration in the applicant's financial situation or psychological state;
- 4° the applicant is enrolled full-time in a program of study offered by an academic institution recognized by the government. The remaining duration of the program must not exceed 12 months from the date on which the dwelling would have been assigned to the applicant.

41. Any and all decisions made under Articles 36 to 39 must be substantiated and communicated to the applicant in writing. The KMHB must also inform them that they may, within 30 days of the decision being sent, contact the Régie du logement to request a review of the decision to remove the applicant's name from the list or include the applicant in a certain category or subcategory of housing.

SECTION IX

HOUSING COMMITTEES

42. The KMHB forms a housing committee for each village it serves. Each committee is composed of five members, three of which are elected by the tenants of the village in question and two are appointed by the village's municipal council.

In the event that the municipal council neglects or refuses to appoint members within 60 days of the election of the elected members of the housing committee, the KMHB shall take it upon itself to fill the vacancies.

43. Committee members are given a 2-year mandate that is renewable.

44. A person is ineligible to serve as a member of the housing committee if:

- They are under 18 years of age;

- They have a debt related to affordable housing in Nunavik and, where applicable, they have failed to sign and comply with an acknowledgement of debt accompanied by a payment agreement to the satisfaction of the KMHB;
- They are employed by the KMHB.

45. A member of a housing committee is deemed to have resigned if they are absent from more than two consecutive committee meetings without having presented reasons deemed valid by the committee. The vacancy thus created shall be filled in accordance with Article 54 of this Directive.

46. Members of housing committees agree in writing to carry out their mandate in an honest and impartial manner and to reveal the content of deliberations to no one but the KMHB.

47. The mandate of a housing committee is to submit an opinion to the lessor regarding the eligibility of applicants and the rankings of eligible persons.

48. (deleted)

49. (deleted)

50. (deleted)

51. The valid quorum for meetings is set at three members.

52. The opinion of a committee is determined by majority vote.

53. Committees must hold a minimum of eight meetings per year. Meetings are held "in camera".

During meetings, the housing manager shall act as secretary and write the minutes.

54. Any vacancies occurring on the committee shall be filled in the manner appropriate to the member to be replaced.

SECTION X
GENERAL POINTS

55. This Directive applies to affordable housing located north of the 55th parallel.

56. (deleted)