huu ay aht

ANCIENT SPIRIT, MODERN MIND

HOUSING AUTHORITY POLICY REGULATION

OFFICIAL CONSOLIDATION
Current to May 14, 2026

Provisions of the Housing Authority Act, *HFNA 6/2023 relevant to the enactment of this Regulation: sections 8 & 9.*

REGISTRY OF LAWS CERTIFICATION

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

May 11th, 2023

(Deputy) John Jack. on behalf

Chief Councillor, Robert Dennis

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

May 11, 2023

on behalf

Ta'yii Hawilth, Derek Peters

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

October 5,2023

Bauer

Coraleah Bauer, Law Clerk

REGISTRY OF LAWS CERTIFICATION

I certify that the *Housing Regulations Amendment Regulation, 2024* was passed by Executive Council on:

February 8, 2024

Chief Councillor John Jack

I certify that the *Housing Regulations Amendment Regulation, 2024* is enacted as law on:

February 8, 2024

Theresa Nookemus on behalf of the Ta'yii Hawilth

I certify that the *Housing Regulations Amendment Regulation, 2024* came into force on:

February 8, 2024

Coraleah Bauer, Law Clerk

REGISTRY OF LAWS CERTIFICATION

I certify that the *General Legislation Correction and Amendment Regulation, 2026* was passed by Executive Council on:

May 14, 2026

Chief Councillor John Jack

I certify that the *General Legislation Correction and Amendment Regulation, 2026* is enacted as law on:

May 14, 2026

ḥawiiḥ Councillor Theresa Nookemus

I certify that the *General Legislation Correction and Amendment Regulation, 2026* came into force on:

May 14, 2026

Acting Law Clerk Alexis Young

HOUSING AUTHORITY POLICY REGULATION

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PART 1 - DEFINITIONS

Definitions

1 In this regulation:

"applicant" means applicant as defined in the *Rental Housing Regulation*, HFNR 1/2022;

"**constating documents**" means, in respect of the housing authority, its certificate of incorporation and its constitution and bylaws, as amended from time to time in accordance with their terms;

"**director**" means an individual appointed by Executive Council under section 2;

"Election Act" means the *Election Act*, HFNA 2011;

"Huu-ay-aht housing" means Huu-ay-aht housing as defined in the *Rental Housing Regulation,* HFNR 1/2022;

"priority list" means priority list as defined in the *Rental Housing Regulation,* HFNR 1/2022;

"Speaker" means the Speaker as defined in the *Government Act,* HFNA 2011;

"**spending authority**" means an authorization in a Huu-ay-aht Act to spend money or incur an expenditure;

"**tenant**" means a person who has signed a tenancy agreement;

"tenancy agreement" means tenancy agreement as defined in the *Rental Housing Regulation,* HFNR 1/2022*;*

"terms of reference" means terms of reference prescribed under section 9; and

"unit" means unit as defined in the *Rental Housing Regulation,* HFNR 1/2022.

HFNR 1/2024, s.1 (1)(a).

PART 2 - BOARD

Division 1 - Composition

Composition of board

2 (1) Executive Council must exercise the rights of Huu-ay-aht as the sole member of the housing authority so that the board is comprised of five individuals, including at least one Huu-ay-aht citizen and one tenant, who bring particular expertise or other considerations to the board.

(2) When making an appointment under subsection (1), Executive Council use best efforts to maintain a balance of appropriate qualifications and experience on the board.

(3) Before making an appointment under subsection (1), Executive Council must seek and consider the advice of the ḥaẃiiḥ Council.

HFNR 1/2024, s.1 (1)(b), HFNR 2/2026, s. 1 (1)(d).

Directors must be qualified

3 (1) A person must not be a director if the person is not qualified to be a director under section 4.

(2) A director who is not, or who ceases to be, qualified to be a director under section 4 must promptly resign.

Individuals qualified to be directors

4 (1) A person is qualified to be a director only if the person is an individual who is at least 18 years of age.

(2) [REPEALED]

(3) Despite subsection (1), an individual is not qualified to be a director if the individual is

(a) not qualified to be a director of a society under the *Societies Act* (British Columbia);

(b) in debt to the Huu-ay-aht, the housing authority or any other entity prescribed for the purposes of section 5 (2) (b) of the Election Act for more than the amount prescribed for the purposes of that section;

(c) in default of a contractual obligation prescribed for the purposes of section 5 (2) (c) of the Election Act to government or any other entity prescribed for the purposes of that section;

(d) convicted of a category of criminal offence prescribed for the purposes of section 5 (2) (d) of the Election Act;

(e) convicted of a category of criminal offence prescribed for the purposes of section 5 (2) (e) of the Election Act for which 5 years have not elapsed from the date of conviction;

(f) a member of the Huu-ay-aht Tribunal;

(g) a housing authority employee;

(h) in a contract with the housing authority, other than a tenancy agreement, with a value of more than $25 000 in the current fiscal year; or

(i) the Speaker.

HFNR 1/2024, s.1 (1)(c).

Term

5 (1) Executive Council must exercise the rights of Huu-ay-aht as the sole member of the housing authority so that the term of office for a director is four years, or until the director resigns or is removed in accordance with this regulation and the constating documents.

(2) For greater certainty, a director may be appointed to consecutive terms of office.

HFNR 1/2024, s.1 (1)(d).

Removal of a director

6 Executive Council may only remove a director in one or more of the following circumstances:

(a) the director is persistently absent from meetings of the board;

(b) the director engages in conduct which amounts to impropriety or malfeasance;

(c) the director exerts undue influence over other directors;

(d) the director is grossly incompetent;

(e) the board or director is not acting in accordance with the law or the mandate of the housing authority;

(f) the board or director is not acting in the best interests of the housing authority;

(g) the director was the only director who was also a tenant and they have ceased to be a tenant.

HFNR 1/2024, s.1 (1)(e).

Casual vacancy

7 (1) Subject to subsection (2), if a director ceases to hold office during their term, Executive Council may appoint an individual to hold that office until the end of the term of the director they replaced.

(2) Executive Council must consult with the ḥaw̓iiḥ Council before making an appointment under subsection (1).

(3) If a director ceases to hold office during their term and the Executive Council has not within 30 days of receiving notice of the vacancy appointed an individual to hold that office in accordance with subsection (1), the board may appoint an individual as a replacement director until the Executive Council appoints an individual to hold that office.

HFNR 1/2024, s.1 (1)(f), HFNR 2/2026, s. 1 (1)(d).

Division 2 - [REPEALED]

HFNR 1/2024, s.1 (1)(g).

Division 3 - Administration

Meetings of the board

8 The board must meet at regular intervals and at least once every three months.

HFNR 1/2024, s.1 (1)(h)(i).

Terms of reference

9 Executive Council must establish terms of reference for the board.

HFNR 1/2024, s.1 (1)(h)(ii).

Expenses and remuneration

10 A director may be reimbursed for expenses and paid for the performance of their duties as a director in accordance with the terms of reference.

HFNR 1/2024, s.1 (1)(h)(iii).

Procedure

11 Subject to this regulation, the terms of reference and the constating documents, the housing authority may establish its own rules of order and procedure.

HFNR 1/2024, s.1 (1)(h)(iv).

Chair

12 At the first meeting of the board following an election or the anniversary of an election, the board must select a chair of the board from among the directors.

HFNR 1/2024, s.1 (1)(h)(v).

Duties of the board

13 The board must oversee the operations of the housing authority and must perform the duties and may exercise the powers of the housing authority set out in Huu-ay-aht law and the constating documents.

HFNR 1/2024, s.1 (1)(h)(vi).

Division 4 - Non-citizen representative

Matters affecting non-citizen stakeholders

14 (1) Subject to subsection (2), the board must appoint a non-citizen stakeholder to hold the position of non-citizen representative to represent all non-citizen stakeholders who have entered into a tenancy agreement.

(2) The board is not obligated to appoint a non-citizen representative if there are no non-citizen stakeholders willing to hold that position.

(3) The board must consult with non-citizen stakeholders regarding the appointment under subsection (1).

(4) If the board determines that a proposed decision of the board would directly and significantly affect all non-citizen stakeholders, the board must convene a special meeting regarding that decision and provide notice of the meeting to the non-citizen representative.

(5) The non-citizen representative and each director may participate in discussion and vote at the special meeting convened under subsection (4).

(6) Following the special meeting convened under subsection (4) the directors must vote to ensure that decisions of the board are consistent with the vote of the majority at the special meeting.

(7) If the board determines that a proposed decision of the board would directly and significantly affect some but not all non-citizen stakeholders, the housing authority will consult with the potentially affected non-citizen stakeholders by providing to each non-citizen stakeholder

(a) notice of the matter to be decided, in sufficient detail to permit the non-citizen stakeholder to prepare their views on the matter,

(b) if requested by the non-citizen stakeholder, sufficient information in respect of the matter to be decided to permit the non-citizen stakeholder to prepare their views on the matter,

(c) a reasonable period of time to permit the non-citizen stakeholder to prepare their views on the matter,

(d) an opportunity for the non-citizen stakeholder to present their views on the matter, and

(e) a full and fair consideration of any views on the matter so presented by the non-citizen stakeholder.

HFNR 1/2024, s.1 (1)(h)(vii).

Division 5 - Role of Executive Council

Major decisions requiring Executive Council approval

15 Despite anything to the contrary in the constating documents, the housing authority will not take any action in respect, or within the scope, of any of the following decisions without the prior approval of Executive Council:

(a) making any changes to the constating documents;

(b) renaming the housing authority;

(c) entering into a partnership, joint venture or other similar relationship with a third party;

(d) selling, transferring or otherwise disposing of all or any substantial part of the undertaking, property or assets of the housing authority;

(e) waiving any right of substantial value;

(f) awarding, entering into, amending, terminating or waiving compliance with the terms of any contract which

(i) is not at a fixed or predetermined price and could result in an obligation to pay an amount exceeding $100 000, or

(ii) commits the housing authority to an amount exceeding $100 000;

(g) acquiring real property for any amount;

(h) acquiring personal property for an amount exceeding $10 000 for any one item;

(i) settling any claim of or against the housing authority where the amount claimed is greater than $50 000;

(j) entering into any material contract or commitment or engaging in any material transaction not in the ordinary and usual course of fulfilling its mandate;

(k) consolidating, amalgamating or merging the housing authority with or into any other entity;

(l) commencing any proceedings to wind up, dissolve or liquidate the housing authority;

(m) making any assignment for the benefit of the creditors of the housing authority or any application for a receiving order against the housing authority; or

(n) continuing the housing authority under the laws of any other jurisdiction.

HFNR 1/2024, s.1 (1)(h)(viii).

Duties of Executive Council

16 Executive Council must perform the following duties and may exercise the following powers relating to the housing authority:

(a) appointing the directors;

(b) where necessary and in accordance with section 6, removing a director;

(c) approving major decisions of the housing authority under section 15; and

(d) performing any other duties or exercising any other powers on behalf of the Huu-ay-aht as the sole member of the housing authority set out in this any applicable law or the constating documents.

HFNR 1/2024, s.1 (1)(h)(ix).

Division 6 - Information sharing and accountability

Information sharing and accountability

17 (1) For greater certainty, the board must provide to the Executive Director such information about the housing authority's activities, operations and financial circumstances as government requires to comply with Part 3 of the *Financial Administration Act,* HFNA 2011.

(2) At the request of Executive Council, the board must report to Executive Council, the ḥaw̓iiḥ Council or the People's Assembly on the activities, operations and financial circumstances of the housing authority.

HFNR 1/2024, s.1 (1)(h)(x), HFNR 2/2026, s. 1 (1)(d).

PART 3 - HOUSING MANAGER

Housing manager

18 (1) The board must appoint an individual to hold the position of housing manager.

(2) The housing manager reports to the board.

(3) The housing manager, subject to direction from the board

(a) must manage the operations of the housing authority and must perform the duties and may exercise the powers of the housing authority set out in Huu-ay-aht law and the constating documents, and

(b) must perform any additional duties and may exercise any additional powers assigned to the housing manager

(i) under this or any other Huu-ay-aht law, or

(ii) by the board.

HFNR 1/2024, s.1 (1)(i) (i).

Delegation authority

19 (1) Upon the approval of the chair of the board, the housing manager may delegate, in writing, the performance of any of the housing manager's duties or the exercise of any of housing manager's powers to

(i) an employee of the housing authority, or

(ii) an independent contractor of the housing authority.

(2) Despite the delegation of any duties or powers under subsection (1), the housing manager remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

HFNR 1/2024, s.1 (1)(i) (ii).

PART 4 - FINANCIAL ADMINISTRATION

Fiscal year

20 The fiscal year of the housing authority is the period from April 1 in one year to March 31 in the next year.

HFNR 1/2024, s.1 (1)(j) (i).

Accounting policy

21 The housing authority must comply with any applicable accounting policy approved by Executive Council under section 30 of the *Financial Administration Act*, HFNA 2011.

HFNR 1/2024, s.1 (1)(j) (ii).

Accounts

22 (1) No account may be established for the deposit of money received by the housing authority except in accordance with this section.

(2) The board must establish the following accounts in the name of the housing authority:

(a) a general account for money from any source other than money that must be deposited into any other housing authority account;

(b) a reserve fund account; and

(c) a special purpose account if approved by the board under subsection (3).

(3) The board may establish any other accounts in the name of the housing authority for any special purpose as may be necessary or desirable to manage the finances of the housing authority.

(4) All housing authority accounts must be established in a financial institution.

(5) Any income earned on money held in a housing authority account becomes a part of that account.

(6) Any income earned on an investment made from a housing authority account must be deposited into that account.

HFNR 1/2024, s.1 (1)(j) (iii).

Revenues

23 (1) The housing manager must ensure the safekeeping of all money received by the housing authority.

(2) The housing manager must deposit all money received by the housing authority into the appropriate housing authority account as soon as practicable after receipt of the money.

(3) Money received by the housing authority that has been paid or collected in error or for a purpose that has not been fulfilled may be refunded in full or in part as the board considers advisable.

(4) All or a portion of any debt or obligation owed to the housing authority may be written off upon the approval of the board.

(5) All or a portion of any debt or obligation owed to the housing authority may be forgiven upon the approval of the board.

HFNR 1/2024, s.1 (1)(j) (iv).

General limitation on expenditures

24 Money must not be paid out of any housing authority account unless the expenditure is authorized under the Budget Act for the current fiscal year.

HFNR 1/2024, s.1 (1)(j) (v).

Spending approval

25 (1) The housing authority must not make an expenditure unless an authorized person

(a) confirms that

(i) the goods or services purchased are consistent with the purpose of the spending authority, and

(ii) the goods or services have been received, and

(b) approves the spending.

(2) The authorized person for the purposes of subsection (1) is

(a) if the amount to be paid is less than $5 000,

(i) any one director, or

(ii) the housing manager,

(b) if the amount to be paid exceeds $5 000 but is less than $25 000,

(i) any two directors, or

(ii) any one director and the housing manager, or

(c) if the amount to be paid exceeds $25 000, any two directors.

HFNR 1/2024, s.1 (1)(j) (vi).

Form of payment and authorized signatories

26 (1) Payments from a housing authority account may be made by electronic transfer, cheque, draft or other similar instrument.

(2) Any cheque, draft, and other paper payment instruments drawn on a housing authority account must be,

(a) if the amount to be paid is less than $5 000, signed by

(i) any one director, or

(ii) the housing manager,

(b) if the amount to be paid exceeds $5 000 but is less than $25 000, signed by

(i) any two directors, or

(ii) any one director and the housing manager, or

(c) if the amount to be paid exceeds $25 000, signed by any two directors.

(3) Before approving a payment, a person under subsection (2) must be satisfied that the spending has been approved under section 25.

(4) No person may both approve spending under section 25 and approve payment in respect of the same spending authority.

HFNR 1/2024, s.1 (1)(j) (vii).

Limitation on the use of borrowed money

27 (1) Subject to subsections (2) and (3), money borrowed by the housing authority must not be used for any purpose other than the purpose for which it was borrowed.

(2) Money borrowed by the housing authority that is not immediately required for expenditures may be invested in accordance with the *Financial Administration Act,* HFNA 2011.

(3) Money borrowed by the housing authority that is no longer required for the purpose for which it was borrowed must be used to repay the debt from the borrowing.

HFNR 1/2024, s.1 (1)(j) (viii).

Insurance

28 The housing authority must ensure that all Huu-ay-aht housing is insured, including housing under construction from onset of construction, against foreseeable risks and perils, including fire, wind, storm, tsunami and earthquake, for the full replacement value.

HFNR 1/2024, s.1 (1)(j) (ix).

PART 5 - LAND ACQUISITION

Acquisition of real property

29 The housing authority may acquire real property for the purpose of developing Huu-ay-aht housing if

(a) it has reasonable grounds to believe that the parcel is suitable for the development,

(b) the acquisition is authorized under the Budget Act for that fiscal year, and

(c) the acquisition has been authorized by Executive Council in accordance with section **Error! Reference source not found.**.

HFNR 1/2024, s.1 (1)(k).

PART 6 - OFFENCES

Offences

30 (1) A person must not make any statement on a nomination form that the person knows to be false.

(2) A person must not contravene any provision of this regulation with the intention of affecting the result or validity of an election.

(3) A person who contravenes subsection (1) or subsection (2) commits an offence subject to Division 4 of Part 3 of the *Offence and Law Enforcement Act,* HFNA 2011.

HFNR 1/2024, s.1 (1)(l).

PART 7 - GENERAL

Designation of housing authority

31 The ma-as ta-kimlth Housing Society, a society incorporated under the *Societies Act* (British Columbia), is designated as the housing authority.

HFNR 1/2024, s.1 (1)(m)(i).

Transitional provisions

32 (1) Despite section 5

(a) the term of office of the directors who hold office on the date this regulation comes into force expires on the second Wednesday in September 2025,

(b) the term of office of the first two directors appointed after the date this regulation comes into force expires on the second Wednesday in September 2027.

(2) Subsection (1) does not apply to any director appointed under section 7 (1).

HFNR 1/2024, s.1 (1)(m)(ii), (n), (o), (p).