



# Ontario Aboriginal Housing Services

## First Nation, Inuit, Métis Urban & Rural Housing Programs 2014/20 Guidelines

FIMUR 2014/20

Investments in Affordable Housing for Ontario



Ontario Native  
Women's Association

Métis Nation  
of Ontario 



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## **Section 1: Introduction to the FIMUR 2014/20 Housing Programs**

### **1.1 Investment in Affordable Housing (IAH) for Ontario Overview**

The Investment in Affordable Housing for Ontario program (IAH) (2014 Extension) will provide approximately \$800 million in federal and provincial funding for the creation and repair of affordable housing over six years.

Key Objectives:

Improve access to affordable housing that is safe, sound, suitable, and sustainable for off-reserve Aboriginal households across Ontario, outside of the Greater Toronto Area (GTA) by:

- Providing increased flexibility, to potential Aboriginal housing providers and other housing partners, and
- Offering funding for an array of housing components that address housing needs across the housing continuum.

OAHS will be provided with a six-year (2014/15 to 2019/20) notional funding allocation totalling \$33,053,600.00 commencing on or about September 15, 2014.

### **1.2 The Provincial Off-Reserve Aboriginal Housing Trust Engagement Process**

The provincial Off-Reserve Aboriginal Housing Trust (OAHT) engagement process was led in partnership by the Ontario Federation Indigenous Friendship Centre (OFIFC), Métis Nation of Ontario (MNO) and Ontario Native Women's Association (ONWA) from April to August 2008 across the province, with the exception of the Greater Toronto Area (GTA).

The purpose of the provincial OAHT engagement process was to gather information on the specific housing needs, priorities and issues of First Nation, Inuit and Métis people living off-reserve in urban and rural areas across the province; and to provide recommendations to Ministry of Municipal Affairs and Housing (MMAH) on the design of an affordable off-reserve Aboriginal housing program utilizing the OAHT Funds.

The provincial OAHT engagement process culminated in the valuable input of more than 750 predominantly First Nation, Inuit, and Métis individuals who share a concern about the current housing situation of Aboriginal people living in urban and rural off-reserve communities across Ontario.

### **1.3 The Ontario Off-Reserve Aboriginal Housing Trust Report**

Subsequent to the provincial OAHT engagement process, the OFIFC, MNO and ONWA prepared the Ontario Off-Reserve Aboriginal Housing Trust (OAHT) Report which identified the specific housing needs, priorities and issues of Aboriginal people living off-reserve living in urban and rural areas in Ontario as identified in the engagement process

The Ontario OAHT Report further indicated that the housing program under the OAHT should be designed, delivered, and administered by and for Aboriginal people living off-reserve in urban and rural communities across Ontario using existing capacity in the form of a provincial Aboriginal delivery model.

Ontario Aboriginal Housing Services (OAHS) encapsulates the scope of key characteristics recommended by engagement participants for a provincial Aboriginal delivery model, as it has the Board representation, mandate, existing experience, capacity, expertise, accountability, asset base

and scale to ensure that recommendations concerning the program design and delivery of housing under the OAHT can be effectively implemented and addressed without the need for substantive capacity building at a provincial level.

The Ontario OAHT Report also recommended that the target population for housing delivered under the OAHT is Aboriginal individuals or families with low- to moderate-income, or those in core housing need.

The objectives and goals for the FIMUR 2014/20 housing programs flow from the recommendations of the Ontario Off-Reserve Aboriginal Housing Trust Report, coupled with the requirements of the Federal/Provincial agreement.

The report can be viewed in its entirety at: <http://www.ontarioaboriginalhousing.ca/>

#### **1.4 Program Administrator: Ontario Aboriginal Housing Services**

The mandate of Ontario Aboriginal Housing Services (OAHS) is to provide safe and affordable and adequate housing services to urban and rural Aboriginal people in the province of Ontario. These services are provided by employing the talent, skills and experience of the Aboriginal community to cost-effectively deliver and administer housing programs and utilize any savings realized within the sector to provide additional housing units or repair programs.

OAHS was incorporated on September 1, 1994. The OAHS Board of Directors is currently comprised as follows:

- Two (2) Directors from the Ontario Federation of Indian Friendship Centres;
- Two (2) Directors from the Ontario Native Women's Association; and
- Two (2) Directors from the Métis Nation of Ontario.

OAHS administration operates from 500 Bay Street, Sault Ste. Marie, ON P6A 1X5. The Corporation and its management operate within the guidelines not only of its legal contracts, but within the policies established by the Board of Directors for Personnel and Financial management. The Board of Directors of OAHS has implemented an Audit Committee to be the link between the external Auditor and the Board. An independent audit is performed annually.

#### **1.5 FIMUR 2014/20 Housing Program Goals and Objectives**

##### **1.5.1 Goal**

To help address housing needs of urban and rural Aboriginal people in Ontario living off-reserve, designed and delivered based on community engagement processes. This program is intended to honour the recommendations of those engagements.

##### **1.5.2 Objectives of the FIMUR 2014/20 Housing Program:**

- To deliver a housing program that is designed, delivered and administered by and for Aboriginal people living off-reserve in urban and rural communities across Ontario excluding the GTA, using existing infrastructure and expertise.
- To ensure that the design, delivery and administration of off-reserve Aboriginal housing under the program is fully accountable by using mechanisms to guarantee fair, open and transparent processes, including an evaluation process that measures the successes of the program in meeting the off-reserve housing needs of Aboriginal people living in urban and rural areas in Ontario excluding the GTA.

- To reduce or remove barriers in order to enable an accessible, fair and inclusive process.
- To deliver three types of housing programs; affordable rental housing including supportive and transitional housing, assisted homeownership, and a homeowner repair program.
- To deliver a housing program that is designed with the goal of long-term sustainability, including the provision of units that are high quality, energy efficient and low maintenance, using materials that are highly durable and resilient in the construction of the housing.
- To target Aboriginal individuals or families with low to moderate income that have household income at or below the 60th percentile income level.
- To give priority consideration to the housing needs that were identified in the OAHT engagement process; the distinct housing needs of First Nation, Inuit and Métis people living in off-reserve urban and rural communities; and the demonstrated needs of specific communities and regions across the province.
- That the FIMUR 2014/20 Housing Programs be culturally-appropriate and reflective of the specific values, needs and cultures of First Nation, Inuit and Métis people and the local Aboriginal community members who will live in the housing.
- That the FIMUR 2014/20 Housing Programs reduce existing barriers and build capacity within the off-reserve Aboriginal community across the province by allowing for:
  - ✓ flexibility and eligibility of housing projects to stack/ leverage funds from other potential programs or resources;
  - ✓ assets to be retained within the off-reserve Aboriginal community, and
  - ✓ the development of housing as an opportunity to create employment and training initiatives in housing-related trades, to increase the skilled Aboriginal workforce in Ontario and to generate opportunities, resources and employment for Aboriginal businesses and workforce.
- That OAHS, with the support of MMAH, assist off-reserve Aboriginal organizations in capacity building initiatives to ensure the long-term sustainability and viability of housing delivered under the FIMUR 2014/20 housing programs, including the development of relationships with municipalities, Service Managers, District Social Service Administration Boards and other relevant ministries and financial/lending institutions, as appropriate.
- To articulate and address the priorities and special housing needs of Aboriginal people living off-reserve in urban and rural areas of Ontario;
- To be fair, accountable, and transparent;
- To enhance the supply and quality of culturally appropriate, affordable housing available to the off-reserve urban and rural Aboriginal communities in the province of Ontario excluding the Greater Toronto Area (GTA);
- To utilize the talent, skills and experience of the Aboriginal community to the greatest extent possible in the allocation, delivery, construction and long-term management of the program, utilizing training opportunities;
- To allow for flexibility according to need;

- To respond to community need, allowing the Housing Provider to determine their mix of units; and
- To provide new home ownership and repair opportunities.

## 1.6 Transparency

The OAHS Board of Directors is accountable for the performance of OAHS in its delivery of FIMUR 2014/20 Programs. This means that the Board ensures that OAHS meets its obligations as outlined in the FIMUR 2014/20 Housing Program Administration Agreement with the Province of Ontario.

## 1.7 FIMUR 2014/20 Program Overview

FIMUR 2014/20 Housing Programs are designed to meet the housing needs of Aboriginal individuals and families living off-reserve in urban and rural communities in Ontario, excluding the GTA. The FIMUR 2014/20 Housing Program is not intended to support ongoing operational funding for existing housing stock, rent subsidies, property management, or support service costs.

Overall funding for the FIMUR 2014/20 Housing Program is \$33,053,600 over a six-year period (2014/15 to 2019/20) commencing August 11, 2014. Due to federal and provincial budget rules, allocations are provided on a 'use it or lose it' basis. Allocations will have to be committed by December 31st of each year or funds will be re-allocated to other Service Managers. Commitment deadlines for recipients will be determined by OAHS and included in contribution or other such Agreements.

## 1.8 Distribution of FIMUR 2014/20 Housing Program Funds

FIMUR 2014/20 Housing Program funds will be allocated for the three program components as follows:

<b>FIMUR 2014/20</b>	<b>IRC &amp; Affordable Rental Including supportive and transitional</b>	<b>Assisted Home Ownership</b>	<b>Repair Program</b>
Year 1 - 2014/2015	<b>\$2,250,000</b>	<b>\$250,000</b>	<b>\$557,495</b>
Year 2 - 2015/2016	<b>\$4,050,000</b>	<b>\$875,000</b>	<b>\$1,189,898</b>
Year 3 - 2016/2017	<b>\$4,050,000</b>	<b>\$875,000</b>	<b>\$1,189,898</b>
Year 4 - 2017/2018	<b>\$4,050,000</b>	<b>\$875,000</b>	<b>\$1,189,898</b>
Year 5 - 2018/2019	<b>\$4,050,000</b>	<b>\$875,000</b>	<b>\$1,189,898</b>
Year 6 - 2019/2020	<b>\$2,250,000</b>	<b>\$250,000</b>	<b>\$557,495</b>

## 1.9 FIMUR 2014/20 Housing Program Provincial Funding Allocation Model

The FIMUR 2014/20 Housing Program funding, inclusive of all components, will be allocated as follows:

\$20,700,000 is allocated to long-term rental including supportive and transitional housing

\$ 4,000,000 is allocated to assisted homeownership

\$ 5,874,580 is allocated to homeowner repair

Should the allocation for one component not be expended within the required reporting period, wherein demand exists in any of the remaining components, the unused balance will be reallocated for that purpose.

To cover administration over the program's life which, in its entirety, will extend beyond 20 years, 7.5% is allocated. This will ensure both long-term accountability and oversight of the housing units developed for Aboriginal people living off-reserve across the Province of Ontario, outside of the GTA.

### Geographic Area of Delivery

**Northwest:** From Wawa, White River, and Longlac in the east, to the Manitoba border and all that territory above the Albany River to Hudson Bay.

**Northeast:** From Wawa, Dubreuilville, Hornepayne and Calstock in the west to the Quebec border, including Moosonee and Moose Factory to the north, and Manitoulin Island in the south; to the southern boundaries of Bruce, Grey, Simcoe, Muskoka, Haliburton, Nipissing and Renfrew.

**Southern:** The remainder of Ontario excluding the Greater Toronto Area of Halton, Peel, York, Durham, and Toronto regions.

### Regional Map



## **2.1 Description**

For many renters who can qualify for a mortgage, saving enough money to cover the required down payment and closing costs is a major barrier to homeownership. Eligible applicants to the program are Aboriginal people who are looking to purchase their primary residence off-reserve in Ontario. People who are First Nations (Status or Non-Status), Métis, or Inuit are eligible through self-declaration.

The Assisted Homeownership component provides down payment and home purchase assistance for primary residences to those individuals and/or families that qualify for a mortgage and do not own a home or have interest in any real estate or those who are no longer able or entitled to reside in a home they currently own. It is not limited to first time home-buyers.

Priority will be given, as applications are received, to those applicants who are currently residing in social housing, and families escaping situations of violence.

To be eligible the applicant's total household income cannot exceed the most recent year's 60th income percentile. Applicants that have appointed a Power of Attorney or have been appointed a Guardian/Trustee of their personal finances and assets in accordance with the Substitute Decisions Act, 1992, may be eligible if all other eligibility criteria are met. Appropriate documentation may be requested. Application for preliminary approval will be considered on a first-come, first-served basis.

The assistance is in the form of a forgivable loan which does not have to be repaid provided the successful recipient adheres to the conditions of the program for a period of ten years. The maximum forgivable loan available is \$30,000 per household.

The Assisted Homeownership program provides a maximum forgivable loan (including a maximum of 15% of purchase price as a down payment) of up to \$30,000, allowing for the following eligible costs:

Legal costs (including fees and disbursement)

Land transfer costs

Home building inspection/approval

Costs associated with testing of water and septic systems

Building Appraisal Report

Eco-energy assessment

Title Insurance

### **Stacking**

- ◇ FIMUR Assisted Homeownership Funds **may not be** combined with FIMUR Homeowner Repair funds
- ◇ No Funds under the Program may be applied to units that have received previous Affordable Housing Program (2005), Affordable Housing Program Extension (2009), FIMUR 12/15 or any other Investment in Affordable Housing program funding under any capital component (Rental and Supportive, New Rental Housing, Homeownership, Northern Repair Ontario Renovates).

Applications that are on the waiting list for the previous FIMUR assisted homeownership will be included and new applications will be processed as they are received, until the fund is expended.

All successful applicants who give personal information to OAHS shall be required to consent to the release of that information to MMAH.

## 2.2 FIMUR 2014/20 Homeownership Goal

To help address housing needs for Aboriginal people in Ontario living off-reserve in urban and rural areas, designed and delivered based on community engagement processes, to move from rental to ownership tenure, off-reserve.

## 2.3 Specific Objectives of the FIMUR 2014/20 Homeownership Program:

- To allocate funding through a forgivable loan, secured by a Secured Promissory Note (SPN)
- To reduce or remove barriers in order to enable an accessible, fair, and inclusive transition to ownership tenure.
- To deliver a Homeownership program that is designed with the goal of long-term economic development through equity build up and the reduction of conventional mortgage debt.
- To target Aboriginal individuals or families with low- to moderate-income, or those in core need.
- To give preference to the priority housing needs that were identified in the OAHT engagement process.
- To enhance the supply of culturally appropriate, affordable housing available to the off-reserve urban and rural Aboriginal communities in the province of Ontario *excluding the Greater Toronto Area (GTA)* by moving families to Homeownership tenure; and
- To allow for flexibility according to need.

## 2.4 Mandatory Criteria

- (a) Applicant(s) who self-identify as Aboriginal individuals or family, residing in Ontario and intending to purchase outside of the GTA
- Must hold Canadian citizenship (provide proof of citizenship with application)
  - Must be 18 years of age or older
  - Total gross household income cannot exceed the most recent year's 60th income percentile
  - Must be able to qualify for and obtain a mortgage, line of credit, or private mortgage (OAHS reserves the right to review the terms and conditions of any first place financing and decline funding of OAHS' forgivable loan at OAHS' sole discretion).
  - Priority will be given to those who are currently residing in social housing, and families escaping situations of violence
  - The forgivable portion must be registered on title in second place
  - Must be applying for primary residence
  - Do not own a home, or are not able to reside in a home they currently own
  - Do not have any interest in any real estate
- (b) Eligible types of homes
- Newly constructed homes with new home warranty (deposits on new builds will not be funded and must be completed within a reasonable timeframe at the discretion of OAHS)
  - Condominiums
  - Resale homes with an acceptable home inspection
  - Conversions from non-residential use, that feature a new home warranty
  - Mobile homes on owned land
  - Not exceeding the maximum house price for their geographic area (Appendix C)
- (c) Ineligible types of homes
- On leased or rented land
  - Homes located inside the GTA

- Equity co-ops or co-ownership housing
- Homes located in life-lease communities
- Properties with density in excess of a single accessory unit

## 2.5 Evaluation Criteria

Individuals will be evaluated on a first-come, first-served basis, against the mandatory criteria in 2.3, and targeted to the priority groups.

## 2.6 Evaluation and Approval Process

The approval process begins once your fully completed FIMUR 2014/20 application form has been submitted and verification of that information has been done. During this verification time, OAHS will notify applicants about their eligibility status for the program. An evaluation of the gathered information will be completed by OAHS and a recommendation will be made to the Executive Director or designate who will either accept or deny the application. Successful applicants will be notified by OAHS.

Based on this approval the applicant will be required to seek and provide evidence of mortgage pre-approval prior to the transfer of any funds. All requirements must be met within 60 days including unconditional offer to purchase, unless an extension has been allowed by OAHS. i.e. delayed closing.

## 2.7 Transfer of Funds

OAHS will enter into a Conditional Letter of Commitment with each approved Aboriginal Household prior to advancing funds and will ensure that the terms of the agreement include a requirement to enter into a secured promissory note with OAHS in second position to the mortgagor, outlining the program requirements prior to the transfer of any funds.

No funds will be transferred until OAHS has reviewed or received evidence of the following:

- A copy of an inspection report, including pictures, identifying that the home has been professionally inspected and required repairs are not significant;
- An independent appraisal, to the sole discretion of OAHS, where the sale is private;
- an authorized bank approval form as evidence of first mortgage, line of credit or private mortgage approval;
- A copy of an accepted offer of Purchase and Sale conditional upon adequate financing;
- Evidence of Insurability;
- Postponement or discharge of other security interests such that OAHS will be in second place; and
- Other documentation that may be required by OAHS.

The funds will be advanced to the applicant's solicitor to be held in trust pending completion of the transaction.

No funds will be paid from trust to any parties other than those specified in the Conditional Letter of Commitment as authorized on the solicitor's statement of adjustments.

First time homeowner applicants are reminded to ensure their legal representative applies for the Land Transfer Tax Refund (exemption) at the time of purchase.

<http://www.rev.gov.on.ca/english/refund/newhome>

## 2.8 Terms and Conditions for Forgiveness

A Secured Promissory Note (SPN) will be required in the full value of the forgivable loan approved. The SPN will be registered on the title of the property, second to the mortgage provider. The Secured Promissory Note shall include that OAHS will require a First Right of Refusal on the Property registered against title.

Loan forgiveness is earned over a ten year period as outlined in the SPN.

The entire unearned principle sum shall become payable if:

- a) the home owner (debtor) sells the property;
- b) the home owner (debtor) ceases to occupy the property as a primary residence;
- c) OAHS determines that any portion of the advance loan was not used for its intended purpose as outlined in the Conditional Letter of Commitment; or
- d) the home owner (debtor) defaults on the first mortgage, line of credit or private mortgage and the financial institution proceeds with foreclosure or power of sale.

In any or all of the above cases OAHS shall have the right to consider and/or exercise its Right of First Refusal as outlined in the SPN. The rationale for the right of first refusal is to ensure that to the greatest extent the benefit of the program funds remains in the control of the Aboriginal community.

Successful applicants may be required as directed by OAHS to provide evidence from time-to-time that they are utilizing the property as a primary residence.

## Section 3: Program 2 Rental Housing Component

(Income-Rent-Calculation, Affordable Rental Units, Supportive & Transitional Housing)

The FIMUR 2014/20 fund is intended to target gaps where significant demonstrated need has been identified, but provision of Aboriginal housing through previous programs has not taken place, or there is data to support a serious shortage. In addition, communities have been identified where Aboriginal renter households are identified with incomes at or below the 60th percentile that did not get FIMUR rental allocations.

To encourage economical use of all resources including land acquired or optioned during previous programs, additional units may be built on existing serviced land that is suitably zoned.

The Rental Housing component will increase the supply of rental housing for households on (or eligible to be on) the OAHS Central Applicant Registry (CAR) having a positive impact on social housing wait lists.

### 3.1 Description

#### Affordable Rental Units

- are those that have a maximum rent based on 80% of the average market rent (AMR) for the community.

#### Income-Rent-Calculation (IRC)

- IRC housing consists of units in a housing project that will be occupied by Aboriginal households who qualify for IRC assistance. The FIMUR Housing Program requires that rent be in a range between 25% of total household income and 80% of the most recent year's Average Market Rents. A project can contain a mix of both IRC and affordable rental units, to be determined by the Housing Provider to meet the need of the community and make the program/project viable.

#### Transitional Housing

- is intended to offer a supportive living environment and tools and opportunities for social and skills development. Transitional housing is conceptualized as an intermediate step between an emergency crisis shelter and permanent housing. It is more long-term, service-intensive, and private than emergency shelters, yet remains time-limited to stays of three months to three years. It is meant to provide a safe, supportive environment where residents can overcome trauma, begin to rebuild their support networks, and rebuild their lives, and move towards independence. Program models can range from medical treatment, healing modalities, counselling, to community economic development.

Transitional Housing can range from service-intensive programs with rigorous expectations of residents ("high-demand" programs) to programs with flexible requirements and optional services ("low-demand").

Some examples of populations served by transitional housing are:

- Individuals and families escaping violence
- Individuals and families leaving the emergency shelter system
- Individuals released from institutions/correctional facilities
- Individuals suffering from, or recovering from addictions
- Individuals suffering from, or recovering from poor mental health

- Individuals and families who are relocating to the city from a rural or remote community
- Individuals recently unemployed in communities experiencing economic decline
- Individuals and families who relocate to the city to access medical care
- Families of inmates
- Youth who are involved or have been involved with Children’s Aid Society (CAS).
- Families in mediation
- College/University or High School students who are relocating to the city from a rural or remote community; and
- Individuals and their families relocating to access apprenticeships

### Supportive Housing

- Provides permanent housing for Aboriginal people who need essential support services to live independently in the long term. Supportive housing can be for individuals or families that require emergency or support services. Supportive housing can take many different forms including but not limited to the provision of attendant health care, counselling for Aboriginal women and children escaping a violent environment, Aboriginal men seeking counselling for drug/alcohol abuse, and Elders requiring special support services. If a Housing Provider is interested in developing a supportive housing project requiring annualized or grant type funding, the group will need to work closely with a support service agency; or if a level of government, with the government agency providing funding. Funding for the supportive housing operations are not funded by the FIMUR Housing Program.
- Physically accessible unit allocations that have been modified for physically challenged residents are not recognized as supportive housing unless there is a supportive component attached (e.g. quadriplegic persons requiring assistance to perform everyday tasks such as meal preparation, physiotherapy, personal hygiene, and any other requirements of support this tenant may not be able to perform).
- Supportive units may be either integrated into a project or dedicated to a single project. Groups will want to ensure that multi-year funding commitments and partnership agreements or arrangements are their first priority.
- Housing with support services include, but are not limited to, youth programming, support services for victims of violence, substance abuse/addictions treatment, parenting programming/workshops, life skills workshops, legal Services, housing and homelessness programming, home care, health care, employment skills training, counselling, community supports, child care, budget/credit counselling, and advocacy.
- Supportive Housing may be provided for the following:
  - Independent living units with support services for seniors and elders
  - Assisted home living
  - Individuals with mental illness
  - Individuals with Fetal Alcohol Spectrum Disorder (FASD)
  - Individuals with chronic illness or those who are in need of ongoing medical services.
  - Youth at-risk (including at-risk of homelessness)
  - Teenage parents
  - Individuals and families escaping violence or leaving the emergency shelter system
  - Individuals and families released from institutions/correctional facilities
  - Individuals and families with addictions

- Individuals and families who are at-risk of homelessness
- Youth who are involved or have been involved with Children’s Aid Society (CAS)
- other services that are deemed important by the community

### 3.2 Mandatory Criteria

All Housing Providers under the FIMUR 2014/20 Rental Housing Program must:

- be a non-profit Aboriginal organization or a partnership between a non-profit Aboriginal organization and non-Aboriginal organization wherein the Aboriginal Organization holds title on the property;
- be incorporated (or in the process of) in Ontario or incorporated under the Canada Business Corporations Act with a head office, corporate office, and operations that are primarily in Ontario and all may not be on a reserve;
- be in off-reserve urban or rural areas of Ontario outside the GTA;
- must permit OAHS to register required security in first place on title at the time of land acquisition;
- must permit OAHS to register under the Personal Property Security Act;
- provide housing for self-identifying First Nation, Métis or Inuit people who will not reside on a reserve;
- demonstrate the funded units will be affordable for a minimum of 20 years;
- be planning to utilize the FIMUR 2014/20 program to house First Nation, Métis or Inuit households;
- commit to provide housing for Aboriginal families and/or individuals, without priority given to members of any organization, First Nation, Métis or Inuit organization, or tribal affiliation unless otherwise provided for specifically under the program;
- give priority to families escaping violence; and
- propose a development that corresponds to the goal and objectives of program, including eligible types of development.

Eligible types of development are:

- ✓ New construction, including additions and extensions that result in units
- ✓ Renovation and rehabilitation
- ✓ Additions to existing stock of all types
- ✓ Acquisition of rental buildings and where required, rehabilitation of developments that are in danger of being lost to the rental housing stock
- ✓ Conversion of non-residential buildings or units to purpose-built rental buildings/units
- ✓ Construction of new rental housing on existing properties held by an Aboriginal Non-profit provided that the appropriate consent is acquired. In order to make effective use of funds, stacking may be used for the provision of additional units for FIMUR or previously developed properties.

Developments that are not eligible include:

- ✓ secondary suites in owner-occupied housing
- ✓ social housing that receives ongoing federal subsidies
- ✓ owner-occupied housing
- ✓ any combination of funds under the program for the same units

#### Stacking

- ◇ No Funds under the Program may be applied to units that have received previous IAH, FIMUR 12/15, Affordable Housing Program (2005) or Affordable Housing Program Extension (2009) funding under any capital component (Rental and Supportive, New Rental Housing, Homeownership, Northern Repair Ontario Renovates).

- ◇ No Funds under the Program may be combined with Off-Reserve Aboriginal Housing (Trust) Program funding for the same units.
- ◇ No Funds under the Program may be applied to units or tenants subject to social housing programs under the Housing Services Act, 2011 for the same units.
- ◇ No Funds under the Program may be applied to units or tenants subject to the Rural and Native Housing Program or any phase of the GTA Aboriginal Housing Program for the same units.
- ◇ FIMUR Rental Housing Module Funds may not be combined with FIMUR Homeowner Repair Module Funds for the same units.
- ◇ No Funds under the Program may be applied to units that have received other IAH Program funding except Rent Supplement and Housing Allowance provided by a Service Manager for the same units.

For acquisitions, renovations and/or rehabilitations, existing tenants cannot be displaced for the purposes of this program.

In addition, the Board of Directors of the Aboriginal organization(s) involved must be comprised of a majority of Aboriginal Directors. Housing Providers comprised of partnerships with non-Aboriginal organizations will be required to demonstrate that the Aboriginal organization is the project lead and holds the majority for decision making purposes, either by agreement or by Board resolutions provided at the time of application.

A non-Aboriginal organization would be required to transfer control of the asset (property) to the Aboriginal organization partner.

Housing Providers are accountable to the Aboriginal community by having a Board of Directors selected by, and from, the Aboriginal community. The hiring policies should demonstrate the utilization of the talent, skills, and experience of the Aboriginal community.

### 3.3 Summary

Project delivery under FIMUR 2014/20 includes options to construct new housing stock, acquire existing residential or non-residential buildings for repair/conversion to re-use as affordable housing, or to purchase new housing. Existing tenants cannot be displaced for the purposes of this program.

Units must be modest in size and amenities relative to other housing in the community. It is expected that units be self-contained to receive full funding per unit, based on a cost analysis, unless a rationale is provided.

The maximum capital contribution under the FIMUR 2014/20 Housing Program is up to \$170,000 per unit. It is expected that any project requiring more than \$150,000 will be required to demonstrate higher costs or deeper affordability. Allocation under the FIMUR 2014/20 Housing Program is flexible and will be determined by evaluating each project on its own merit to allow for consideration of actual cost, contingent on several key variables including (but not limited to):

- Cost effective program delivery approach;
- Community/geographical area,
- Location,
- Size of the unit(s),
- Cost of construction,
- Cost of land, and
- Special needs that impact the design of the unit (i.e. accessibility requirements, accommodating large and extended families).

Housing Providers are strongly encouraged to consider all opportunities that will assist in the cost effective delivery of projects to ensure maximum possible unit delivery.

All agreements will outline encumbrances to be placed on the land, building and provided capital to ensure that the developed assets under the program are retained within the off-reserve Aboriginal community. The project capital will not have a repayment provision provided that conditions are met over the period of the agreement. Equity build up will be created by forgiveness over the 20 year affordability term of the encumbrance as well as through any potential capital appreciation.

The rate of forgiveness has been established based on the following schedule:

- 3% for each of the first five years
- 4% for each of the next five years
- 5% for each of the next five years
- 8% for each of the remaining five years

#### Phase-out Period

Once projects are occupied, annual reports are required on rent levels and are required to demonstrate program compliance. In mixed-use projects, only FIMUR 2014/20 units are considered.

Failure to operate the project under the terms and conditions outlined or failure to maintain affordable levels of rent throughout the grant term will result in forfeiture of grant forgiveness and the loan may have to be repaid.

Throughout the 20-year affordability period, annual rent increases are allowed in accordance with the Residential Tenancy Act rent increase guideline or successor legislation or IRC lease agreement. The rent for any occupied FIMUR 2014/20 unit must remain at or below 80 percent of the Average Market Rent (AMR or is subsidized). In mixed-use projects FIMUR 2014/20 units must remain at or below 80 percent of AMR unless subsidized.

<http://www.mah.gov.on.ca/Page137.aspx>

### 3.4 Submission Process

Allocations for each year are required to be committed by December 31st of each fiscal year. Program commitment is defined as entering into a Partnership Agreement. The start of construction for rental housing developments is required to be within 60 days of the date of the approved development's Partnership Agreement.

Funding for Rental Housing developments will be based on the following initial requirements:

- project viability
- construction-readiness for rental developments
- urgency of housing need
- availability of funding.

#### Review Process Criteria

All applications for development must:

- Meet priorities identified in FIMUR 2014/20 guidelines, and applicable proposal calls
- Have all required municipal approvals such as zoning, minor variances, land severances, or site plan approvals in place to permit the proposed development, or be well advanced in the planning approvals process

- Be able to sign a Partnership Agreement (PA) within 30 days of OAHS and Ministerial approval
- Start construction within 60 days after signing a Partnership Agreement.
- Be financially viable from a construction and operating cost perspective – based on OAHS confirmation
- Be able to meet the 20-year affordability requirement
- Meet the current Ontario Building Code and Canadian Environment Assessment Act (CEAA) requirements  
<http://www.ceaa.gc.ca/default.asp?lang=En&n=F11DF725-1>  
<http://www.mah.gov.on.ca/Page7393.aspx>
- Have rents that on average for the development are at or below 80% of the Average Market Rent (AMR) for the community
- Have identification of support services, if required
- Address local housing needs and target tenant groups under the program
- Have an occupancy plan in place to ensure that units will be occupied in a timely manner

Developments are encouraged to:

- Have energy efficiency features
- Be fully accessible and/or have units that are accessible to persons with disabilities
- Have support service funding identified, if required
- Use apprentices in the construction of projects

### Approval Process

Developed proposals that are received will be reviewed by the FIMUR 2014/20 program Staff at OAHS who will examine for eligibility and completeness. The independent Proposal Review Committee will then scrutinize and evaluate any Proposals for recommendation to the Board of Directors who make the final decision.

Development approval will be based on construction readiness, ability to meet the program's eligibility criteria, and alignment with the OAHS PDFP.

Once approved by the Board and final (Ministerial) approval is received a development will receive a Conditional Letter of Commitment (CLC) from the Minister, which confirms development approval and outlines the steps to take prior to signing a Partnership Agreement (PA) with OAHS.

The PA describes legal obligations and reporting requirements for the development. Funds may be advanced once a PA is signed.

## Section 4: Program 3 - Homeowner Repair

### 4.1 Description

The Homeowner Repair program will assist low to moderate-income Aboriginal homeowner households' repair their homes to bring them to acceptable standards by;

- improving and preserving the quality of affordable housing through the renovation, rehabilitation and repair of existing affordable ownership for low-income Aboriginal households;
- repairing their home to bring to acceptable standards while improving the energy-efficiency of the unit, which includes energy audits;
- fostering safe, independent living by supporting modifications and renovations to affordable housing that provide accommodations for seniors and persons with disabilities;
- providing assistance in existing single family homes with the objective of reducing or eliminating overcrowding and/or providing culturally appropriate space for extended family members; and
- responding to emergency repair(s) subject to existing waitlists and available funding resources.

### 4.2 Program Priorities

- Emergency need
- Health and Safety
- Accessibility
- Energy Efficiency
- Homeowners at or below the poverty level as described by the Canadian Council on Social Development [www.ccsd.ca/factsheets](http://www.ccsd.ca/factsheets)

### 4.3 Eligibility Criteria

Eligible households must:

- Have a household income at or below the most recent year's 60th income percentile, and
- Own a home off-reserve that is their sole residence.
- Be Aboriginal people who are First Nations (Status or Non-Status), Métis, or Inuit (eligible through self-declaration).

### Stacking

- ◇ FIMUR Assisted Homeownership Funds **may not be** combined with FIMUR Homeowner Repair funds
- ◇ No Funds under the Program may be applied to units that have received previous Affordable Housing Program (2005) or Affordable Housing Program Extension (2009) funding under any capital component (Rental and Supportive, New Rental Housing, Homeownership, Northern Repair Ontario Renovates).

Applicants that have appointed a Power of Attorney or have been appointed a Guardian/Trustee of their personal finances and assets in accordance with the Substitute Decisions Act, 1992, may be eligible if all other eligibility criteria are met. Appropriate documentation may be requested.

Duplexes are eligible provided the owner resides in one of the units as their sole residence. Secondary residences are not eligible.

### 4.4 Eligible Activities and Costs

Eligible repairs for the Homeowner Repair Program may include major repairs and rehabilitation to the following:

- structural
- electrical
- plumbing
- heating
- fire safety
- Air quality and mold remediation
- septic systems, well water and well drilling
- remediation for an overcrowded dwelling
- modifications to increase accessibility (barrier free)

## Energy Efficiency

To respect the environment and to realize savings that will improve housing affordability over the long term, the Homeowner Repair program component encourages the use of energy-saving products or systems for the required repairs to housing. Examples include:

- window replacement using double pane, low E Argon windows
- roof replacement using attic insulation to a minimum of R40
- furnace replacement with an ENERGY STAR qualified furnace with a brushless DC motor
- toilet replacement with a low-flush or dual-flush toilet rated at 6 litres per flush or less
- replacement of water heater with an ENERGY STAR qualified instantaneous water heater

Other eligible costs also include labour and applicable taxes, building permits, legal fees, certificates, appraisal fees, inspection fees, drawing and specification and any other costs that OAHS deems reasonable and that are agreed to by the Ministry.

Repairs must commence within 60 days of project approval. Extensions may be allowed. i.e. when inspections cause a delay

\* Repairs undertaken prior to approval are not eligible for funding

## 4.5 Summary

OAHS must provide a signed Letter of Agreement to each homeowner outlining the scope of work, funding commitment and roles and responsibilities of both the homeowners and OAHS.

- The maximum forgivable loan is \$25,000 and will be secured by a mortgage registered on title.

Funding is provided in the form of a forgivable loan to the home owners based on the cost of approved work items. The period of forgiveness for Home Repair projects is 10 years which begins on the date of repair completion.

If any of the following situations occur, the Homeowner is considered to be in default and any outstanding loan amount must be repaid, on demand, in full if:

- The home owner ceases to occupy the unit as a sole residence;
- Misrepresentation occurs related to eligibility for the program;
- Terms and conditions in the charge/mortgage are not fulfilled on an ongoing basis; and/or
- The funding is used for other purposes.

OAHS is responsible for project selection, monitoring progress, the quality of work and for the advancement of funds. Proof is required that property taxes and mortgage payments are up-to-date and insurance coverage is for the full value of the home.

## Section 5 Priority & Planning

### Program Delivery and Fiscal Plan

OAHS will develop and submit Program Delivery and Fiscal Plans (PDFP) for years 1 to 6 that will outline how annual funding allocations will be used over the six-year life of the program. They will be Board-approved and submitted to MMAH for approval prior to receiving FIMUR 2014/20 funding.

The PDFP will be a concise document that identifies:

- the FIMUR 2014/20 components that OAHS will deliver in each year of the program
- the number of units that are expected to be developed under the selected components in each year of the program
- the number of households that are expected to be assisted under the selected components in each year of the program
- the client groups that will be targeted under the selected components
- the amount of funding from each year's funding allocation that will be used for the selected components
- the amount of funding projected to be committed quarterly under the selected components
- the amount of funding from each year's funding allocation that will be used for administration fees

The PDFP will also confirm OAHS's commitment to using the total notional funding allocation over the life of the program. The ministry will be using the PDFPs to track OAHS's progress against the allocation and will use this information to report back on outcomes to the province and Canada Mortgage and Housing Corporation (CMHC).

OAHS will recommend project proposals and/or confirm household take-up for each fiscal year to the ministry based on their PDFP.

OAHS is required to update the PDFPs on a quarterly basis. Updates will include OAHS's progress against the annual funding allocation and planned commitments.

### Section 6: Communication

All applicants participating in the FIMUR 2014/20 will agree to adhere to the CMHC-Ontario Agreement for Investment in Affordable Housing 2011-2014 communications protocol. In addition, the OAHS FIMUR 2014/20 contacts for information will be included in all communication. All announcements, program information and news releases will be posted on the OAHS website, and provided directly to:

1. The Board of Directors,
2. OFIFC, MNO, & ONWA Housing Policy Analysts for distribution to their respective membership/communities, and
3. Existing Housing Providers.

Program Delivery will commence on or about September 2014.

## Section 7.0: Definitions

**60th income percentile** refers to the income limits for eligibility to the assisted homeownership program, and the repair program, as issued by MMAH Ontario. The income limits may be adjusted annually by MMAH based on census data indexed to the Consumer Price Index as published by Statistics Canada from time to time or for other reasons as MMAH may determine but in any event shall not exceed the sixtieth (60th) income percentile for all households in Ontario.

**Aboriginal Community** is a group of Aboriginal people in Ontario who share similar beliefs, traditions, and cultural identity. These groups exist through shared political, cultural, spiritual, and/or other affiliations. Aboriginal communities include but are not limited to First Nations, Inuit and Métis people, Friendship Centres, community-based organizations (locals), political/non-political organizations, or any other collective of Aboriginal individuals who share identity regardless of geography.

**Aboriginal Family/Household** means

- a) An Aboriginal individual, the individual's spouse or partner and all of the children of both or either of them who are living with them,
- b) An Aboriginal individual and the individual's spouse or partner living with him or her, if neither has any children,
- c) An Aboriginal individual and the individual's children living with him or her, if the Individual has no spouse or partner, or
- d) An Aboriginal individual, if the individual has no spouse or partner and no children.

**Aboriginal Person** means a person who self-identifies as First Nations (Status or Non-status), Métis or Inuit.

**Accessibility** means identifying barriers that impede an individual's ability, and providing solutions to remove the barriers so that persons with disabilities should be able to live independently.

**Affordable Homeownership:**

Applicants earning no more than the most recent year's 60<sup>th</sup> income percentile for their City or Region that qualify for a mortgage, line of credit or private mortgage may be eligible to purchase a home that does not exceed average market value.

**Affordable Housing** means housing which is modest in terms of floor area and amenities, based on household needs and community norms, is priced at or below average market housing rents or prices for comparable Housing in a community or area, and is for the benefit of and affordable to households who are on, or eligible to be on, a waiting list for social housing, in a manner approved by MMAH. Rent levels are to be maintained at or below 80% of the average market rents for a minimum 20 year period.

**Allocation** refers to a method of determining the numbers of units funded in each region.

**Conditional Letter of Commitment:**

An agreement prepared by OAHS and entered into by approved assisted homeownership applicants outlining their requirements under the program. This may also be referred to as a "Funding Agreement".

**Average Market Value** is the maximum house price allowed using average resale price for the applicant's geographic area and not more than what is affordable for households at the 60th percentile of income.

**Average Market Rent** is the median market rent value for each immediate project location. Rents cannot exceed 80% of that market rent.

**Capacity** refers to the ability to perform an outcome or task. In this context, it refers to the ability of a non-profit Aboriginal Housing Provider to successfully develop, deliver and operate a housing project according to the FIMUR 2014/20 Housing Program Guidelines and Agreement.

**Capital Funding/Program** is funding that can only be used towards the construction, renovation, or acquisition of a housing project and does not include operational costs such as support services or ongoing repair and maintenance costs.

**Core Housing Need:** A household is said to be in core housing need if it is occupying housing that falls below at least one of the standards for adequacy, suitability and affordability and if the household cannot afford (without spending more than 25% of income) to pay the median rent of alternative local market housing that meets all three standards.

**Culturally Appropriate Housing** takes into consideration the cultural values, norms, expectancies and attitudes of a population in its design, directives, and policies. As the cultural values, norms, expectancies, and attitudes of First Nation, Inuit and Métis people vary between communities across the province, Housing Providers are asked to demonstrate in their applications the culturally appropriate measures specific to their communities that have been integrated into the design, policies, and guidelines of the housing plan.

**Demonstrated Need** refers to housing that meets the needs of Aboriginal people living off-reserve in a specific urban community or rural area in Ontario, as demonstrated by the potential provider using studies and other evidence-based materials such as needs assessments, environmental scans, reports and waiting lists

**Direct Delivery** In the areas of any region where capacity to deliver does not exist but need is present, direct delivery may be employed by OAHS, until such time as an Aboriginal Housing Provider can take over. The skills, education and experience contained in the corporation will be utilized for capacity-building and engaging the community.

**Forgivable Loan** is a loan that is “earned” (not repayable) over a specified period proportionally, provided the terms and conditions are met and adhered to per the Conditional Letter of Commitment. The loans are interest free.

**Housing Provider** means an Aboriginal non-profit corporation that has the provision of non-profit housing for Aboriginal people in the Objects of their corporation’s Letters Patent.

**Identified Need** refers to a specific housing need that was identified and documented in the provincial OAHT engagement process and report and other current relevant data. Housing Providers will be required to determine local needs based on analysis and local data collection, and include it with their submission.

#### **Income of Applicant(s)**

The applicant(s) income will be that of the Aboriginal Family/Household excluding children and non-occupant guarantor(s) and will be calculated by taking into consideration the following:

- Gross salaries, wages, overtime payments, commissions, bonuses, tips, gratuities, specifically excluding grants, scholarships, or bursary payments;
- In the case of Ontario Student Assistance Program (OSAP) and Post-Secondary Student Support Program (Band funding), only the living allowance portion will be considered as income

- The greater of the net income from the business or the total withdrawals from the business as personal salary of purchaser(s) household who is self-employed
- The gross amount of Employment Insurance benefits;
- The gross amount of Workers Safety Insurance Board (WSIB) payments or other industrial accident insurance payments made because of illness or disability;
- The gross amount of any Old Age Security, federal Guaranteed Income Supplement and spouse's allowance and financial assistance under the Ontario Guaranteed Annual Income System (GAINS);
- The gross amount of every kind of pension, allowance, benefit and annuity whether from a federal, provincial, or municipal government of Canada or any other country or state or from any other source;
- The gross amount of any taxable alimony, separation, maintenance and support payments;
- The gross amount of gains from investments including RRSP's as well as interest or dividends, stocks, shares, and other securities and where the actual income cannot be determined, an imputed rate of return set by the land;
- The gross interest income from savings or chequing accounts in a bank, trust company or a credit union;
- The gross amount of interest earned or payable from bonds, debentures, term deposits or investments, certificates, mortgages, capital gains, or lump sum payments or other assets;
- Any targeted family supports to provide for special needs are not considered as income
- Some tax credits may not be included in the definition of income
- Homeowners that have appointed a Power of Attorney or have been appointed a Guardian/Trustee of their personal finances and assets in accordance with the Substitute Decisions Act, 1992, may be eligible if all other eligibility criteria are met. The income of the appointee will not be considered. Appropriate documentation may be requested

**Income Rent Calculation (IRC)** The FIMUR 2014/20 housing program requires that rent is calculated based on 25% of total household income (but not to exceed 80% of Average Market Rents). A project can contain a mix of both IRC and affordable rental units, to be determined by the Housing Provider to meet the need of the community and make the program viable.

**Letter of Agreement** means an agreement that may be in the form of a letter signed by OAHS and homeowner that is approved for contributions for a Homeowner Repair Project;

**Mortgage:** This includes a conventional mortgage, a line of credit or a private mortgage.

**Non-Profit Housing** Unlike profit driven housing, non-profit housing cannot operate for profit. That is, it cannot distribute corporate income to any individual or group of individuals such as shareholders. The funds acquired by the non-profit housing corporation must stay within the corporate accounts to pay for reasonable salaries, expenses, and the activities of the corporation. Non-profit housing is created for the public's benefit often by people in the community who collaborate to provide housing for people with low and moderate incomes. The non-profit housing corporation owns the project and is responsible for planning, developing, and managing the housing over the long-term. These general principals must be included in the Housing Provider's Letters Patent, Objects, and/or By-laws of the corporation.

**Partnership Agreement** is a contribution agreement entered into by OAHS and an approved Housing Provider for contributions under this Program Module in the form of a forgivable capital loan, and which provides for the use and accountability of the Funds and mortgage security;

**Partnerships** are relationships between two or more parties (as one Housing Provider) that jointly contribute to the project, and who agree to share responsibility for its obligations as stipulated in any agreements.

Partnerships shall be considered provided that the Non-profit Aboriginal organization makes the application on behalf of the partnership and that the property and housing that is built, acquired, or renovated is owned exclusively by the Aboriginal non-profit housing corporation. For example, a proposal could be for temporary accommodations for individuals/families accessing medical care away from their home community. The use of the building could be supported by mainstream funding, but the building itself would remain an asset of the Aboriginal non-profit corporation.

Partnerships will be considered on a case by case basis.

**Rental Unit** includes single family dwellings, duplexes, and all forms of multiple unit apartment dwellings

**Right of First Refusal** A promise by the recipient under the homeowner component and repair recipient not to sell their property without first offering it to the holder of the right (OAHS) on the same terms and conditions as a third party unconditional offer to purchase. If the owner receives a bona fide offer that they want to accept, the holder of the right of first refusal (OAHS) has five business days to match that offer and buy the property. The first right of refusal expires upon the earned forgiveness period of ten years.

**Scattered Unit** is defined as one single detached or semi-detached residential unit.

**Stacking** is the layering of funding dollars through other government funded programs in relation to housing. FIMUR 2014/20 programs have been developed to allow for flexibility in layering of program funding, however some programs may have regulations against program layering. To ensure you are not in jeopardy of violating any previous program obligations, it is in your best interest to consult program Staff, or funders, as appropriate. For the rental program, the addition of new units to an existing project is not considered stacking.

**Support Dollars/Funding** refers to the provision of operational funding to cover the ongoing costs for support and other services required to meet the needs of tenants.

**Secured Promissory Note (SPN)** This is a Note secured by collateral. A typical example of a secured Promissory Note is a mortgage loan. In this case, it refers to an agreement to repay the forgivable loan under the specific terms and conditions that are set out as program requirements.

**Start of Construction** means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement is within 60 days of the permit date.

**Supportive Housing** provides permanent housing for Aboriginal people who need essential support services to live independently, in the long term. Supportive housing can be individuals or groups that require emergency or support services. Supportive housing can take many different forms including but not limited to the provision of attendant health care to support services i.e. counselling for Aboriginal women and children escaping a violent environment, Aboriginal men seeking counselling for drug/alcohol abuse, and Elder's requiring special support services.

**Targeted:** The OAHT report recommends that the allocation of funding designed and administered by the OAHS use a notional, targeted, needs-based approach, meaning that the funding be directed towards the specific types of housing required to meet the specific housing needs within the Aboriginal population.

Those needs are recorded in the report located on the following website:

[http://www.ontarioaboriginalhousing.ca/index.php?option=com\\_content&view=article&id=99&Itemid=323](http://www.ontarioaboriginalhousing.ca/index.php?option=com_content&view=article&id=99&Itemid=323)

**Transitional Housing** is intended to offer a supportive living environment and tools and opportunities for social and skills development. Transitional housing is conceptualized as an intermediate step between emergency crisis shelter and permanent housing. It is more long-term, service-intensive, and private than emergency shelters, yet remains time-limited to stays of three months to three years. It is meant to provide a safe, supportive environment where residents can overcome trauma, begin to rebuild their support networks, and rebuild their lives, moving towards independence. Program models can range from medical treatment, healing modalities, counselling, to community economic development.