

BRIEFING NOTE

TO: First Nations Leadership Council

FROM: Chief Dan George, Chair, HIC

PREPARED: October 11, 2018

SUBJECT: UPDATE - BC First Nations Housing & Infrastructure Council (HIC)

1) Purpose:

- a) To provide an update on the HIC's work over the last 5 months.

2) Background:

- a) HIC is operating under the adjacent mandate and is supported by resolutions from the chiefs in assembly of the BC-AFN, FNS and UBCIC.

- b) The federal government formally announced its intentions to transfer federal indigenous programs and services to indigenous controlled organizations, first in late 2016 by Minister Bennett who stated, "Think out of the box, think big, think Institutions, "Do you need CMHC? Do you need a First Nation CMHC?" and by Ministers Philpott in December 2017 who stated, "*The goal is that, in all sectors, we aim for the design, delivery and control of services to be led by Indigenous peoples for Indigenous peoples. When that is achieved, there should no longer be a need for our department in the federal government.*"

HIC Mandate

As a step in the path towards indigenous self-government, to manage the process to design and implement a First Nation's controlled Housing & Infrastructure Authority in British Columbia that will:

- a) Assume authority and control for First Nations housing & infrastructure program delivery in British Columbia; and
- b) deliver associated housing and infrastructure services.

- c) HIC was formally formed in November 2017 and because BC has the
 - i) experience building these types of institutions, and
 - ii) the ability to provide collectively supported political mandates in a relatively short time frame,

BC (through HIC) was immediately ready to start enacting the federal government's directive ("*we aim for the design, delivery and control of services to be led by Indigenous peoples for Indigenous peoples*").

- d) Canada made its announcements of its intentions but did not expect a group to be ready as quickly as BC (HIC), therefore had not worked out its internal policies and processes such:
 - i) determining which FN entities have appropriate mandates;
 - ii) providing its mandate to enter a G2G relationship to affect an authority transfer; and
 - iii) funding mechanisms to support a mandated authority transfer process.

- e) First Nations in other regions in Canada are discussing moving into this authority transfer process but generally do not have the experience that BC has with this type of process.
 - i) HIC is the only mandated organization in Canada who is pursuing transfer of authority and control of First Nations housing & infrastructure programs & services.
 - ii) HIC is serving as a model for the rest of Canada however HIC is not directed by or bound by what others are doing – this is a made in BC for BC process.
- f) Because HIC is ready and is building on BC’s previous experience, HIC is
 - i) working closely with the federal government to help them design their internal processes, and
 - ii) collaborating with various First Nations in other regions to share our experience.
- g) Being the lead in Canada means that HIC’s work takes a bit more time - HIC is simultaneously at the center of designing the overall authority transfer process plus doing its own work to carry out its mandate in BC.
- h) HIC sees itself as the facilitator of this process therefore is applying very strong discipline to maintain an objective, honest broker approach. This means that HIC:
 - i) Very focussed on ensuring that this is an open and inclusive process;
 - ii) Is not providing support or non-support for any other initiatives unless they have received a proper mandate; and
 - iii) Has no predetermined outcomes for its process (the new delivery structure may use existing organizations or may require the creation of a new organization).

3) Update:

- a) HIC has made significant progress over the last few months on the BC First Nations, other regions, federal government and provincial government.
- b) On the BC First Nations front, HIC has:
 - i) Conducted a full round of engagement with BC First Nations, most BC First Nations housing providers and other First Nations authorities in various locations throughout the province to:
 - (1) inform them about the process,
 - (2) finding out what is working and what is not working with the current system;
 - (3) what they might want from the future system; and
 - (4) how HIC might improve its engagement process;
 - ii) Hosted a design charrette on October 9 & 10, 2018 with 45 to 50 selected First Nations, federal, provincial and other institution representatives to develop three preliminary housing and infrastructure authority delivery model options that provide a starting point for discussion with BC First Nations;

- iii) Started to combine the input from the community engagement and the design session into a summary that will be distributed and posted on HIC's web site; and
 - iv) Started the process to organize its next round of engagement to begin designing a preferred delivery model for the new housing & infrastructure authority.
- c) On the federal government front, HIC has:
- i) Initialed a negotiators draft with Indigenous Services Canada (ISC) of an MOU that formalizes a collaborative relationship between the parties to finalize a Term Sheet for an agreement around the transfer of authorities (this agreement will address items such as which authorities are transferred, reporting requirements, budgets, staffing, etc.);
 - ii) Been working with senior ISC staff and the Minister's office to gain formal approval (mandate) and set a signing date for the MOU;
 - iii) Developed a joint HIC-ISC workplan which timelines all the main tasks that HIC, ISC and joint HIC-ISC must complete to get to a final transfer agreement and implementation of the housing & infrastructure authority (the current joint target date for implementation of the authority is April 2021); and
 - iv) Established senior relationships with the Canada Mortgage and Housing Corporation (CMHC) and the federal Ministry of Families, Children and Social Development (responsible for CMHC) under the Department of Employment & Social Development Canada to formalize their mandate to enter this process (note that ISC is primarily responsible for First Nations infrastructure and CMHC is primarily responsible for First Nations housing so both need to be involved).
- d) On the provincial government front, HIC has:
- i) Made initial contact with the Minister of Municipal Affairs and Housing (The Honorable Selina Robinson) and her senior staff;
 - ii) Been working with the official opposition (MLA Adam Olsen) and the Ministers of Indigenous Relations & Reconciliation and Municipal Affairs & Housing to secure a formal mandate for the province's participation in this process; and
 - iii) Established a working relationship with senior management at BC Housing to explore opportunities for collaboration with that agency.
- e) On the other First Nations front, HIC has:
- i) On request from other First Nations, attended various leadership forums in Canada to provided information about BC's process and to provide advice and support to their processes; and
 - ii) Hosted a gathering (in Calgary) of First Nations representatives from other regions across Canada who are also interested in pursuing a housing & infrastructure authority (New Brunswick has offered to host the next information sharing session).
- f) HIC has also done various other supporting activities including:
- i) Established a web site (fnhic-bc.ca);

- ii) Advanced negotiations to take over the BC portion of the contract for on-reserve CMHC program compliance inspections (intend to hire a suite of First Nations inspectors to then carry out the work);
- iii) Established a financial management system (software, policy & procedure) that will be adaptable to the authority once it is in place; and
- iv) Developed and distributed various information materials.

4) Next Steps

- a) HIC will be starting its next round of engagement within the next month that will:
 - i) Get input and agreement on a preferred delivery model for the new housing & infrastructure authority;
 - ii) Get feedback on the key terms of the term sheet for the final transfer agreement; and
 - iii) last for at least 8 months or longer if it proves difficult to gain agreement on the delivery model or the terms of the transfer agreement.
- b) HIC will start to negotiate a term sheet for the final transfer agreement.
 - i) As part of its engagement process, HIC will be asking BC First Nations communities and leadership about the process to approve this term sheet, i.e.,
 - (1) Who will approve the term sheet and the subsequent agreement (i.e., BC-AFN, FNS, UBCIC, communities), and
 - (2) What types of approvals are required, e.g., BCR if done community by community, or other

If you have further questions please contact the HIC Chair, Chief Dan George or the HIC Executive Director, Garry Merkel, executive.director@fnhic-bc.ca, or 250-427-0460.