



FOR FIRST NATION HOUSING DEPARTMENTS

What is Matrimonial Real Property (MRP)?

Matrimonial Real Property (MRP) refers to the family home and other real property that a couple (married or common-law) uses during their relationship. On First Nation reserves, MRP rights ensure that both partners have fair access and protections to the home and property in the event of separation, divorce, or death.

What is the Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)?

FHRMIRA is a federal law that provides matrimonial real property rights to individuals living on reserves. It ensures that spouses and common-law partners on reserves have similar protections to those living off-reserve. First Nations can also create their own MRP laws under this Act.

Why is MRP important for First Nations communities?

MRP laws help protect the rights of individuals in relationships and ensure fair access to property and housing. They provide legal certainty for families and help manage disputes over property in case of separation, divorce, or death.

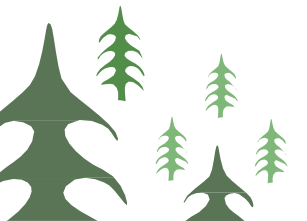
What are Provisional Federal Rules (PFRs)?

Until a First Nation enacts its own MRP law, the PFRs apply by default. These rules provide protections such as:

- Emergency protection orders for victims of family violence.
- Occupation rights for the family home.
- Division of property upon separation or divorce or death of a spouse.

Can First Nations create their own MRP laws?

Yes. First Nations can create their own MRP laws, but these must be enacted in accordance with the law-making provisions of FHRMIRA, a First Nation Land Code, or a Self-Government Agreement. Once a community passes its own MRP law under one of these frameworks, the federal Provisional Federal Rules (PFRs) no longer apply.



Who is responsible for enacting an MRP law in a First Nation?

Chief and Council, with community input, are responsible for passing an MRP law. This process should include consultations with the community and a legal review of the draft law. Once this is completed, the law must be presented to the community for a vote to accept it.

How can community members participate in developing an MRP law?

Community members can participate by:

- Attending meetings and engagement sessions.
- Providing feedback on proposed MRP laws.
- Voting in ratification processes when required.

What happens if there is no MRP law in place?

If a First Nation has not enacted its own MRP law, the PFRs under FHRMIRA automatically apply. These rules ensure individuals have legal protections regarding the family home and other real property on reserve.

What steps should a First Nation take to develop an MRP law?

- Step 1: Assess the need and First Nation readiness.
- Step 2: Engage Leadership, Governance and Community
- Step 3: Research and drafting the law.
- Step 4: Community engagement/consultation and education
- Step 5: Approve/ratify the law.
- Step 6: Implementing the MRP Law
- Step 7: Long term support/monitoring and updating.

Where can I get more information or support?

The First Nations Housing Professionals Association (FNHPA) provides education, resources, and support for First Nations implementing MRP laws. Legal counsel specializing in Indigenous law can also provide guidance.



MRP Law and Governance
FROM FAMILY HOMES TO NATION LAWS

For More Information:



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Legal Disclaimer:

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