



Matrimonial | FNHPA
Real Property

"WHERE DO WE START"

The Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA) is now in force. The law ensures that spouses and/or common-law partners living on reserves have similar matrimonial real property rights and protections as those living off reserve.

NOTE: These rights and protections apply whether or not the spouse or common-law partner is a member or an Indian.

The First Nations Housing Professionals Association (FNHPA) raises awareness through presentations and regional engagement sessions to support the implementation of the MRP on-reserve program.

To get started, refer to the FNHPA MRP Program's Informational Booklet, the MRP Quick Facts and the FAQ Sheet - For First Nation Housing Departments.

PLANNING TAKES TIME!





Step 1: Education Awareness

Prepare a FAQ or information sheet to inform Leadership, Housing Department Staff, Housing Committee/Board, and community members—about FHRMIRA and its impact on your First Nation. Seek direction from these groups for the next steps.

What to include in your FAQ/information sheet (attached):

- **What is MRP?** - Explain the Matrimonial Real Property (MRP) issue.
- **What is the solution?** - Outline the benefits of enacting your own law.
- **Who passes the law?** - Clarify the governance and decision-making process.
- **How can the community participate?** - Highlight ways community members can get involved.



Step 2: Create an MRP Committee/Team

Build connections with other departments (e.g., Housing, Lands, Social Services) and decide who should be part of the MRP team. Begin discussions on the rights and protections under FHRMIRA and understand your obligations and the roles of different departments in meeting them.

- Consider appointing a Project Manager to lead the MRP implementation on the reserve.
- Determine who will receive applications and establish a clear point of contact for community members with questions.
- Develop a document management strategy for storing MRP applications, ensuring confidentiality and proper access control.



Step 3: Community Engagement

Raise awareness through social media, community boards, and other communication channels. Share information from your FAQ/information sheet to ensure that community members are informed about MRP and how it applies to them.





Step 4: Interim Community Engagement and Application Review

While engaging with the community, initiate discussions on what factors your Council should consider when responding to applications. Create an interim plan for processing applications, especially if they are submitted before your full MRP Program is developed.



Step 5: Reporting to Council?

Report regularly to Council on the progress of the MRP committee's activities. Ensure that all stakeholders are kept informed and seek feedback on your progress to guide your next steps.



Step 6: Consult Legal Counsel

It's essential to consult with a lawyer who specializes in law drafting to support the creation of your MRP law. The lawyer should work closely with your Project Manager and MRP Committee/Team throughout the process.



Step 7: Notification to Provincial Attorney General

Once your First Nation has decided to enact its own MRP law, Section 3(1) of FHRMIRA requires that Chief and Council send formal notification to the Attorney General of the province where the reserve is located.



Step 8: Notice of Community Approval

After enacting your MRP law under Sections 7-11 of FHRMIRA, Section 10 requires that your First Nation send a copy of the law to the Minister of Indigenous Services (ISC). Include the results of your ratification vote and a copy of the law to the Attorney General of the province where your reserve(s) are located.

NOTE: First Nations who are signatories to the Framework Agreement on First Nation Land Management Act (FANLM) and are enacting an MRP Law under their Land Code should ensure they are aware of and abide by the lawmaking provisions contained therein.





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For More Information:



1-888-668-6070



info.mrp@fnhpa.ca



www.fnhpa.ca



Legal Disclaimer:

The First Nations Housing Professionals Association does not provide legal advice on any matrimonial real property laws under the Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA). The material provided is for information purposes only and you should not rely upon the material or information as a basis for making any legal or any other decisions. The FNHPA strongly suggests you consult a lawyer or legal clinics for guidance on next steps.
