

FNHPA

MATRIMONIAL

REAL PROPERTY

INFORMATIONAL BOOKLET



FNHPA provides Matrimonial Real Property, education and awareness to First Nations Housing and Lands staff so they can create laws unique to their culture, tradition, and community needs.



First Nations Housing
Professionals Association

L'Association des professionnels de
l'habitation des Premières Nations



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WELCOME TO THE FNHPA

**MATRIMONIAL REAL
PROPERTY PROGRAM**

FNHPA: Matrimonial Real Property (MRP) Centre of Excellence

Welcome to the FNHPA Matrimonial Real Property Program. This initiative is designed to empower First Nation communities by providing essential education, resources, and support for managing Matrimonial Real Property situations on reserve. This program equips individuals with the knowledge and skills necessary to navigate the complexities of property rights and ownership, ensuring fair and just resolutions for all parties involved. Through comprehensive training and expert guidance, we aim to foster stronger, more resilient communities where everyone's rights are respected and upheld, ultimately building a brighter future for First Nation families.

The Role of FNHPA and MRP On-Reserve

Our goal is to help members understand their options regarding the impact of MRP legislation on individuals and families living on reserves. We aim to achieve this by developing, promoting, and delivering high-quality standards and best practices, conducting research, and offering resources as part of our MRP education and capacity development services.

Knowing Your Role

First Nation Housing staff hold information that is crucial in assisting community members with the proper implementation of the Family Homes on Reserves and Matrimonial Interests or Rights Act (*FHRMIRA*). Their knowledge and expertise will be required to provide technical guidance on housing policies, procedures and provisions in all housing agreements, including lease and mortgage agreements. They will play a vital role in the implementation of these activities for their First Nation.



WELCOME TO THE FNHPA

MATRIMONIAL REAL PROPERTY PROGRAM CONT'D

Knowing Your Role Cont'd

Land Managers are primarily responsible for land however, housing staff should understand the rights held by members about the land they occupy. They should be aware that spouses or common-law partners can hold land in a variety of ways, including:

- Certificate of Possession
- Certificate of Occupation
- Lease Agreement
- Interest granted under a Land Code
- Custom Allotment
- Wills/Inheritance

The Family Homes On Reserves And Matrimonial Interests Or Rights Act

The *Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)* was enacted to ensure that people living on reserves have similar protections and rights as other Canadians when it comes to the family home and the division of interests or rights. It also addresses a long-standing legislative gap regarding Matrimonial Real Property on reserve.

FHRMIRA applies on most reserves now (with some exceptions) and until the First Nation enacts its own Matrimonial Real Property Law either under *FHRMIRA* or, if a First Nation is signatory to the Framework Agreement; the law-making provisions contained in its own Land Code.



QUICK FACTS

MRP FAQs



> MATRIMONIAL REAL PROPERTY - WHAT IS MRP?

Matrimonial Real Property (MRP) refers to the family or matrimonial home and other structures or land a couple owns or occupies while they are married or in a common-law relationship. Provincial/territorial laws on Matrimonial Real Property do not apply to reserve land. Matrimonial real property is property that cannot be physically moved, such as the family home, that is shared by two people during a marriage or common-law relationship.



> WHY DOES MRP MATTER?

FHRMIRA will apply on your reserve until you enact your own MRP Law!

The Act deals with what is referred to as Matrimonial Real Property; the family home is the most common type of matrimonial real property and it is usually the most valuable asset. In the event of death, divorce or separation, people living off reserve have provincial law rights and protections regarding their family home. These provincial law rights and protections DO NOT apply to those living on reserve, therefore, a law was put in place on December 16, 2013 called the "Family Homes on Reserves and Matrimonial Interests or Rights Act" (the Act).



Best Practice:

Be proactive and stay informed about relevant legislation. You may need to provide crucial information if your Chief and Council face an application. Your expertise is essential in balancing individual rights with the collective interests of the First Nation.

Your housing knowledge is also strongly encouraged to review the Rental and/or Mortgage Agreements, identify the terms of any Section 95 Agreements, and determine if the individual is developing equity in those rental units through any major, pre-approved renovations.



> WHO IS AFFECTED?

FHRMIRA affects married couples or common-law partners living on reserve, where at least one partner is a First Nation member or Indian. The Indian Act defines a common-law relationship as two people in a conjugal relationship who have been living together for a year or more.



> WHAT IS THE RESOLUTION?

Each First Nation has the right to create its own MRP law, as outlined in Sections 7 - 11 of the *FHRMIRA* Act.

FHRMIRA contains two main parts:

1. First Nation Law Making – Effective December 16, 2013: A First Nation may choose to enact their own Matrimonial Real Property Law.

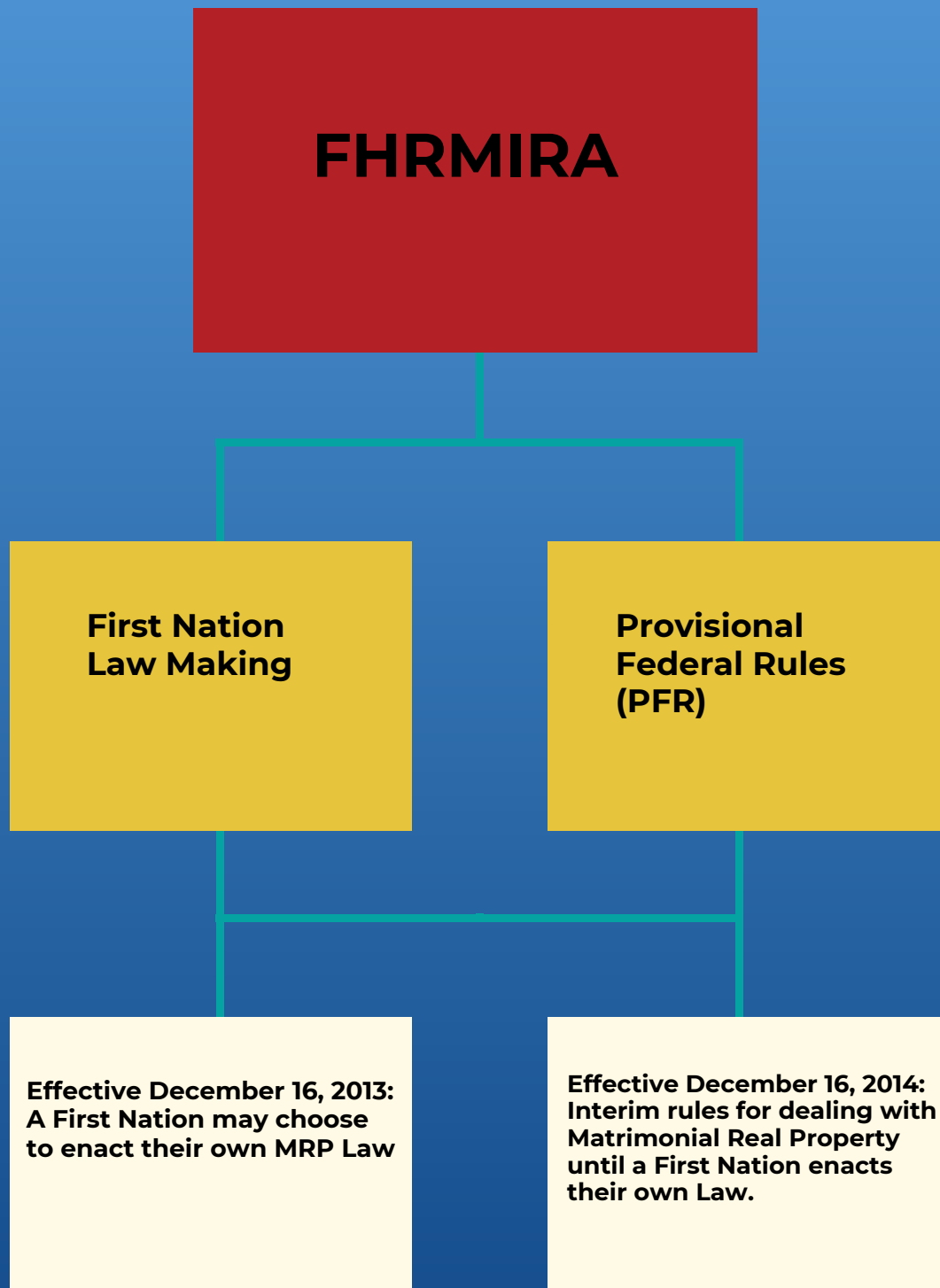
2. Provisional Federal Rules (PFRs) – Effective December 16, 2014: The PFRs provide interim rules for dealing with Matrimonial Real Property until the First Nation passes its own Matrimonial Real Property law. These rules are intended to be temporary until a First Nation develops a law that best reflects the community's values and traditions.



Provisional Federal Rules (PFRs)

The PFRs contain a set of interim rules that allow parties to determine what they are entitled to for lands, the family home, and other structures on reserve when a marriage breaks down or upon the death of a spouse.

HOW FHRMIRA AFFECTS YOUR FIRST NATION





WHAT ARE SOME OF THE BENEFITS OF A FIRST NATION DEVELOPING ITS OWN MRP LAW?

It's created by the Community, for the Community;

It reflects the Community's values and traditions;

It's tailored to fit a First Nation's policies and procedures;

It allows a First Nation to govern their own land and MRP matters on their own terms, which are not subject to *FHRMIRA*;

It protects the best interest of the children who are identified as a priority;

It paves the way for the development of a dispute resolution process to protect the First Nation as a whole;

It gives the First Nation the ability to create their own definition of a "family home";

A First Nation may add lease agreements to its own MRP laws such as: any improvements to the family home which must be approved by the First Nation.

FNHPA MRP

EDUCATIONAL FOCUS AND SERVICES:

MRP EDUCATIONAL FOCUS AND SERVICES:

Understanding legislation can be a challenge however FNHPA is committed to helping housing and lands staff understand and administer MRP programs on reserve through educating their communities.



Our mission is to:

- Guide First Nations to develop their own MRP Law
- Initiate outreach activities to First Nations by providing information and resources on the protections and rights available to individuals and families
- Assist with the implementation of the Provisional Federal Rules (PFR's)
- Provide MRP Toolkit training and outreach activities to First Nations regarding general information, training activities, tools, and templates
- Host information sessions for First Nation staff, Chief and Council and Membership
- Facilitate regional engagement sessions Canada-wide
- Develop relevant resources like the "Understanding and Working with MRP in First Nation Housing" resource guide (available in 2024/2025)



PROGRAM STAFF

AND OPERATIONS

The FNHPA MRP Program is supported by the following positions, dedicated to assisting First Nation communities and advancing housing initiatives that facilitate the development and implementation of the MRP Program on reserve:

Manager, MRP	Program Coordinator, MRP	Administrative Clerk, MRP
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Additionally, the FNHPA has engaged four MRP Regional Consultants to serve as valuable resources for supporting the planning, development, and execution of the MRP Program. They will provide assistance and guidance to First Nation Housing and Lands Staff, Governance, and Communities in navigating MRP and *FHRMIRA* Legislation.

The Regional Consultants will be responsible for the following regions across Canada:

British Columbia/ Yukon/ Northwest Territories	Alberta/ Saskatchewan	Manitoba/ Ontario	Quebec/ Atlantic Regions
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Acknowledgement

The First Nations Housing Professionals Association would like to acknowledge the Centre of Excellence for Matrimonial Real Property (COEMRP) for their dedication and commitment in providing the information in this booklet. FNHPA is enthusiastic about taking the torch and continuing to expand upon the critical work initiated by National Aboriginal Lands Managers Association (NALMA) and COEMRP.



LET'S GET

STARTED!

Disclaimer

Be advised that 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. 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 First Nations Housing Professionals Association strongly suggest you consult with a lawyer or legal clinics for guidance on next steps.

FOR MORE INFORMATION:



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