



First Nations Housing Professionals Association

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

**INTRODUCTION TO MATRIMONIAL REAL PROPERTY LAW FOR
HOUSING MANAGERS**





This three part webinar was delivered by K. McCue. A summary of the webinar follows:

We at the First Nations Housing Professionals Association (FNHPA) are well aware that laws, particularly relatively new ones, can be difficult to wrap one's head around. We also know that housing professionals have a number of laws, not to mention by-laws and policies, to review, understand and implement. The task can be daunting. But the association is committed to helping housing professionals fulfil their responsibilities – our Knowledge Centre, our FNHP Program, and our workshops and webinars are each designed to increase your knowledge of a particular subject, and ultimately increase your effectiveness and impact in your First Nation.

This particular webinar examines matrimonial real property law. Matrimonial real property is land held by one or both spouses or common-law partners that is used by the family. It may include houses, sheds, and any other structure that is securely attached to the land. Personal property, on the other hand, refers to movable assets like cars, furniture, cash, etc.

The Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA) was enacted to ensure that those living on reserves have similar rights and protections as other Canadians when it comes to the family home and the division of interests or rights. Under the Act, First Nations can elect to enact their own matrimonial real property law to replace the provisional Federal rules. The legislation applies only to structures located on reserve land, in particular, the structure in which the couple habitually resided until they ceased living together.

The goal of the Act is to help spouses and partners determine what they are entitled to when it comes to lands, the family home and other structures when a marriage or relationship ends or upon the death of a party.

This 3-part webinar is designed to help housing professionals understand the Act and assist their First Nation in proper implementation. Your housing knowledge is required to provide technical guidance on housing policy and the provisions contained in housing agreements.

PART 1 – INTRODUCTION TO LEGISLATION

- What matrimonial real property is
- Why the legislation was necessary
- Rights and powers conferred by the Act
- Framework Agreement considerations
- Balancing collective and individual rights





PART 2 – PRACTICAL CONSIDERATIONS AND HOW THE ACT IMPACTS A HOUSING PROGRAM

- The housing professional's role in implementation
- Interests or Rights specific to your First Nation
- Education and awareness
- Implementation planning

PART 3 – A CASE STUDY

WHO SHOULD WATCH?

- Housing managers, housing professionals, and other housing department staff (i.e., all housing staff who may play a role in implementing the Family Homes on Reserves and Matrimonial Interests or Rights Act)
- Housing leadership (i.e., governing authority and/or Council members) responsible for housing policy may benefit from viewing parts of this webinar to reinforce their obligations under the Family Homes on Reserves and Matrimonial Interests or Rights Act

HOW TO ACCESS THIS WEBINAR

If you are a member of FNHPA you will be able to gain complimentary access to this webinar by going to www.fnhpa.ca. Select the Members Home section in the upper right corner and use the search function and enter "Introduction to Matrimonial Real Property for Housing Managers Webinar," and it will take you to the webinar in the Knowledge Centre area. Or go to www.fnhpa.ca. Click on News and Events and select this webinar in the Workshops and Webinars area.

Members also have access to other webinars in the members area. Some of the others are:

- First Nations Housing and Community Engagement
- First Nations Housing Procurement Practices
- Risk Management
- Supporting Successful Tenancy

If you are not a member you can email sarah@fnhpa.ca and arrange to pay \$150 for this webinar and you will be given access for this webinar or take out an annual membership for \$150 and your member number will give you access.

