

# **GINGOLX HOUSING POLICY**

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## **GINGOLX HOUSING POLICY**

### **Vision Statement:**

**That in the understanding of Sayt Kilm Goot and Ka'im Goot, the GINGOLX Housing Program shall reflect the values of our Ayuukhl by promoting independence, self-reliance, sweat equity and equal opportunity for sustainable, quality and affordable housing for all Nisga'a who wish to reside in the Nisga'a Village of GINGOLX.**

### **Introduction:**

The purpose of the GINGOLX Housing Policy is to provide families and individuals with safe, affordable and appropriate housing that meets health, safety and construction standards.

By providing a Housing Policy that is equitable and beneficial to all, we will strive to meet the following criteria:

### **Accountability:**

Managing and enforcing the policy encourages homeowners to protect their own homes as an asset and a personal investment which will ensure that housing will be available for future generations.

### **Benefactors:**

We have a vast growing population who require housing, therefore, we must continually address this need to minimize the impact on their quality of life.

### **Consistency:**

This Housing Policy will provide direction that ensures the provision of Housing Programs & Services in a concise and clear manner.

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## **1.0 Legal Framework:**

### **A) Constitution of the Nisga'a Nation;**

Section 24 of the constitution provides for Nisga'a Government to ensure that all Nisga'a citizens have access to adequate, safe and affordable housing.

### **B) Fiscal Financing Agreement; FFA**

Under the Fiscal Financing Agreement, the Nisga'a Nation has agreed to provide a program for the construction and rehabilitation of residential housing for Nisga'a citizens on Nisga'a lands. The Nisga'a Nation must ensure that the Nisga'a Housing Program meets certain requirements, as laid out in the *Nisga'a Capital Finance Commission Act*.

- Establishment of a public statement of eligibility criteria
- Equality of access for all eligible Nisga'a citizens
- Provide an impartial process of appeal of administrative decisions under the program

Schedule B to the FFA also contains provisions for reporting requirements and sharing of information pertaining to performance and evaluation of Housing Programs.

The Nisga'a Nation has included provisions in the *Nisga'a Financial Administration Act* and *Nisga'a Capital Finance Commission Act* to give effect to its obligations under the FFA relating to Nisga'a Housing.

### **C) Nisga'a Financial Administration Act**

The *Nisga'a Financial Administration Act* requires the transfer of housing funds from Canada to each of the Villages based on percentages established under the regulations to the Act. The Act further requires that these housing appropriations may only be spent under a Residential Housing Program of the Nisga'a Nation established under the *Nisga'a Capital Finance Commission Act*.

### **D) Nisga'a Capital Finance Commission Act**

Under the *Nisga'a Capital Finance Commission Act*, the Nisga'a Lisims Government Executive is responsible for the oversight, management, and control of all matters relating to Programs & Services of the Nisga'a Nation, including program substance, policies, practices, standards, criteria, other requirements and program evaluation as to economy, efficiency and effectiveness. This includes the Nisga'a Housing Program.

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Part 8 of the Act specifically requires the establishment of the Nisga'a Housing Program with the intention that the program will meet the Nisga'a Nation's obligations regarding housing under the FFA. This process is identified under the *Residential Housing Program Regulations*.

## **E) Residential Housing Program Regulations:**

The Residential Housing Program Regulations identify the process under which all Nisga'a Villages administer the Nisga'a Housing Program.

The regulations include the following:

- Eligibility criteria
- Residential housing applications
- Right of review
- Housing inventory & maintenance
- Housing reports
- Housing budgets
- Monthly & annual financial statements
- Permitted housing expenditures
- Housing construction contracts
- Housing administration delivery agreements
- Applicable standards
- Property & liability standards
- Director of finance authorities
- Service provider responsibilities

## **F) Gingolx Village Government Building Regulation Act:**

On June 13, 2015, Gingolx Village Government enacted the *Building Regulation Act* for the community of Gingolx.

This Act regulates the process for any type of design, construction or rehabilitation of any buildings, including housing for Gingolx.

This Act includes the following:

- Application, codes & exemptions
- Duties & responsibilities of owners
- Building inspector
- Application & permits
- Other requirements – site works
- General requirements – notice, right of review, penalties, etc.
- Building permit forms

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## **G) Nisga'a Nation or Nisga'a Village Entitlement Act:**

For new housing, application must be made to Gingolx Village Government for a designated lot. You must identify your application as a Nisga'a Nation Entitlement or a Village Entitlement. **The granting of such entitlements is not effective until the grant is approved by Gingolx Village Government** and registered by the Land Registrar at Nisga'a Lisims Government Land Title Office.

## **2.0 Gingolx's Housing Policy:**

The purpose of the Housing Policy is to provide community members, homeowners, Village Government and staff with the operational guidelines for the day-to-day procedures of delivering & administering the Housing Program and related services.

It will also include the financial guidelines, reporting requirements, and housing application kits that will identify the process for applying for such services.

### **2.1 Objectives:**

As housing is an essential service, it affects the health and well-being of all members, therefore, the primary objectives of our Housing Policy are:

- To promote individual pride & responsibility for your own home
- To prioritize & allocate housing in an equitable manner
- To protect & enhance the community's investment in housing
- To protect & extend the life of our existing housing stock

### **2.2 Policy Administration & Enforcement:**

The Gingolx Housing Manager will be responsible for the day-to-day operations of all Housing Programs & services.

The Gingolx Village Government is responsible for the policy development of all Housing Programs.

## **3.0 Roles & Responsibilities: Community Members**

Each person has a responsibility to assist the Gingolx Village Government in achieving the objectives. To provide families and individuals with safe, affordable and appropriate housing that meets health, safety and construction standards.

### **3.1 Roles & Responsibilities: Homeowners**

Each homeowner has a responsibility to instill **pride & ownership** of their own housing units by keeping the unit well maintained for the benefit of their own families.

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## **3.2 Roles & Responsibilities: Housing Manager**

The key responsibilities of the Housing Manager are to recommend changes in policy as needed; review annual housing goals & priorities; prepare annual housing budget according to housing plan; maintain an up to date list of housing applicants; gather & review information on new Housing Programs; monitor effectiveness of housing policies and programs; provide monthly report to Gingolx Village Government; prepare annual housing report; implement quarterly housing preventative maintenance workshops; schedule public housing information meetings with community.

## **3.3 Roles & Responsibilities: Gingolx Village Government**

Gingolx Village Government is responsible for reviewing and approving the annual housing expenditure plan; review and approve recommendations submitted by the Gingolx Housing Manager; and ensure that decisions comply with the Housing Policy.

Gingolx Village Government is also responsible for approving policies and procedures that are to be implemented for all Housing Programs, therefore, Village Government is encouraged to consider the views of the membership, however, the final decision for all Housing Programs & Services is the responsibility of Village Government.

## **3.4 Roles & Responsibilities: Chief Administrative Officer (CAO)**

The CAO is responsible to over-see the operations of the Gingolx Housing Program in conjunction with the Housing Manager by ensuring the management and financial controls are in place for all housing initiatives.

## **4.0 Appeal Committee:**

The primary function of the appeal committee is to hear appeals by applicants regarding housing decisions; to verify if decisions are in accordance with the approved policy, and then make the final decision in regard to the appeal.

The appeal committee will consist of the applicant, community member at large, CAO, Housing Manager & Gingolx Village Government designate.

## **4.1 Appeal Process:**

Applicants may appeal housing decisions, the following process will apply:

- Submit a letter of appeal within ten (10) working days of when the decision was made.
- In the letter of appeal the applicant will communicate his/her disagreement.
- The appeal committee will review the information from both parties within seven (7) working days.
- Both parties must abide by the final decision of the appeal committee.

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## **5.0 Insurance:**

Homeowners are required to obtain construction insurance prior to construction of **new** housing. Such cost should be included in overall project costs.

Homeowners who are approved for regular or major renovations are required to obtain and provide proof of construction insurance for duration of project.

All homeowners are encouraged to obtain insurance on their homes and contents to ensure replacement costs are identified in the event of a house fire or any other unforeseen hazards or circumstances, i.e. Flooding,

As per the Housing Policy, members are eligible for a one time housing subsidy only. In the event of a house fire and you have no insurance, you will “**not**” be eligible for another housing subsidy.

## **6.0 Vacated & Abandoned Units:**

Homeowners who **vacate or abandon** their units are **not eligible** for renovations or services from the Housing Program.

Homeowners are encouraged to inform the Housing Manager of any lengthy absences from the unit.

Where any units are vacated or abandoned for more than 30 days without notice, **any damages to a unit vacated or abandoned will be the responsibility of the homeowner.**

## **6.1 Housing Arrears:**

In order to qualify for the one time new house subsidy or renovations, the homeowner must pay off all outstanding rental arrears, bank mortgages, internal mortgages and or outstanding housing payments prior to receiving such services.

## **6.2 Rental of Home:**

Homeowners who choose to rent out their homes do not qualify for the housing renovation program with the exception of the electrical upgrade program. As a landlord, you are required to follow the *Provincial Landlord Tenancy Act*, therefore, any renovations on your housing unit are your responsibility as you are receiving rental funds.

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## **7.0 Death of a Homeowner:**

Unless you have a “will” and your land entitlement certificate identifies joint tenancy with another member of your family, you will not be able to leave your home and land entitlement to any family member. All your properties will be held “in estate” until your family files the necessary court documents under the *Provincial Estate Act*. If your family does not file the required court documents, the province can sell off your land & house. Without a will, this will become very costly to your family.

Any new housing units on a mortgage program, our internal mortgage program or through a financial institution are required to have term life insurance. This means, in the event of your death or your spouse, the mortgage will be paid off.

Homeowners are encouraged to prepare a will that clearly identifies the executor of your estate and the beneficiary of your assets including house & property.

Examples of wills:

- Living will – video or recorded
- Written will
- Letter with witnessed signature

## **8.0 Housing Programs:**

The Gingolx Village Government offers the following housing grants to eligible citizens of Gingolx:

<input type="checkbox"/> First time homeowner grant – maximum grant	\$40,000.00
<input type="checkbox"/> Minor renovations- maximum grant	\$ 5,000.00
<input type="checkbox"/> Emergency renovations – maximum grant	\$15,000.00
<input type="checkbox"/> Regular renovations – maximum grant	\$ 8,000.00
<input type="checkbox"/> Major renovation – mold – maximum grant	\$24,000.00
<input type="checkbox"/> Elders renovations – regular – maximum grant	\$24,000.00
<input type="checkbox"/> Electrical upgrade – maximum grant	\$ 5,000.00
<input type="checkbox"/> Roofing program – maximum grant	\$ 5,000.00

### **8.1 First Time Homeowner Grant:**

This program is for first time buyers with a maximum grant of \$40,000.00. To ensure we are able to meet the needs of all new applicants, the program is available on a **one time basis only**.

The subsidy does not cover the cost of a new house, therefore, you are required to secure additional financing to complete the home. Such financing can be through a financial institution. You must have all financial resources confirmed before construction of the unit begins.



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To ensure the completion of the house, there shall be a six month timeline for construction of the unit. In the event the homeowner is unable to meet the six month timeline, they are required to submit a letter requesting an extension to complete construction.

For internal mortgages, Gingolx Village Government shall be named as registered owner on the village land entitlement certificate until such time as the internal mortgage is paid off.

The new housing subsidy will not be released until additional financing is confirmed in writing.

## **8.2 All Renovation Programs:**

In order to qualify for any of the renovation programs, you must be owner of the home, currently living in the home and you must hold the land entitlement certificate.

In the event of death or sale of home and the title of ownership changes, the new homeowner may qualify for renovations depending on circumstances. Each application will be reviewed on its own merits based on an inspection of the unit by a certified inspector and as per recommendation to council by the CAO and the Housing Manager.

As the renovation funds are limited, homeowners are encouraged to provide sweat equity (i.e. Homeowners and or family members contribute labor costs free of charge) so that more of the funds can be utilized for building materials, supply and reduce the cost of labor.

## **8.3 Minor Renovation Program:**

This program is primarily for minor renovations such as replacement of front/back porches, doors, paint, and flooring. Such repairs are minor and of a one time in nature situation. Maximum grant is \$5,000.00.

In the event the homeowner chooses to do further renovations, any funds approved under this program shall be applied to the new applications for major renovations or regular renovations depending on the scope of work.

## **8.4 Emergency Renovation Program:**

*This program is primarily for emergencies such as hot water tanks, electrical and or heating, plumbing and handicap ramps. Maximum grant is \$15,000.00.*

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## **8.5 Regular Renovation Program:**

This program is the regular home improvement program with a maximum grant of \$8,000.00. Renovations for this initiative are primarily for the exterior building envelope which can include repair & replacement of foundations, framing & insulation, exterior windows & doors, siding, roofing, perimeter drains, plumbing, heating and can extend to interior finishes based on the inspection scope of work. Any costs over and above are the responsibility of the homeowner.

Any funds previously approved under the minor renovation program shall be applied to the new applications for regular renovations.

To ensure we are able to meet the needs of all homeowners in Gingolx, this program is available on a **one time basis only**. Once you have received this grant program, you are responsible to upkeep your home through regular maintenance.

Your home must be ten (10) years or older to qualify.

## **8.6 Major Renovation Program:**

This program is for units that require major renovations or mold remediation measures. The maximum grant is \$24,000.00. This program is available on a **one time basis only**.

As the cost to repair mold infested homes or major renovations usually exceeds the maximum grant, homeowners are required to secure other funding sources to complete the unit.

Any funds previously approved under the regular or minor renovation program shall be applied to the new applications for major renovations.

Your home must be ten (10) years or older to qualify for the major renovation program.

## **8.7 Elder's Renovation Program:**

This program was identified to meet the needs of Gingolx elders 60 years & over with a maximum grant of \$24,000.00. Renovations can include repair & replacement of foundations, framing & insulation, exterior finishes, plumbing & heating, replacement of roof, replacement of windows & doors and interior finishes.

This program cannot be combined with another renovation program. The elder's renovation program is **available on a one time basis only**.

In the event you have received regular or major renovations, you will not be eligible for the elder's renovation program for up to five years.

Your home must be ten (10) years or older to qualify for the elders renovation program.

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## **8.8 Electrical Upgrade:**

This program is for the electrical upgrade of housing units from 100 amp to 200 amp based on electrical inspection requirements and funding availability.

Maximum grant is \$5,000.00

## **8.9 Roofing Program:**

This program is designed to replace deficient roofs based on inspection reports. This program is available on a one time only basis and funding availability.

Maximum grant is \$5,000.00.

## **9.0 Default Internal Mortgage:**

Default payments for the internal mortgage program will begin immediately after one payment has been missed. Mortgage payments are due on the 1<sup>st</sup> working day of each month. The following procedures and consequences will apply in the event of a default payment:

- A first notice will be sent out on the 10<sup>th</sup> working day of the first month payment was missed.
- If after 30 days no payment has been received, a second notice will be sent immediately after the second payment has been missed. This notice will include a request for an interview/meeting with the Housing Manager to discuss the default payments and make arrangements for repayment of arrears.
- After meeting with the housing officer, the homeowner will be given 15 days to pay the arrears in full.
- If the homeowner fails to pay the arrears in full by the end of the 15 day period, the file will be forwarded to collections. This will affect any further credit applications by the homeowner, as the file will be registered with the credit bureau.

## **9.1 Default Bank Mortgage**

In the event a homeowner defaults a bank mortgage guaranteed by Gingolx Village Government, they must meet with the CAO and Housing Manager immediately to prepare a plan of action for the collection of arrears.

This plan of action may include eviction, re-possession of the unit, and or resale of the unit. The following process will apply after the 90 days' notice from the banking institution if there is no compliance:

- Gingolx Village Government will re-possess the unit.
- The unit will be appraised and put up for sale.

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## **10.0 Sale of Housing Unit:**

Gingolx Village Government recognizes that from time to time a homeowner may wish to sell their home.

It should be noted that every home in Gingolx has received a housing subsidy/grant towards the construction of the home, therefore, there is a 15 year time limit of occupancy before the subsidy/grant is forgiven.

If the homeowner decides to sell the unit before the 15 year time limit, they are required to return the housing subsidy/grant in full to Gingolx Village Government.

## **11.0 Land Entitlement Grants:**

For purposes of securing a bank mortgage, Gingolx Village Government will provide a Village Government resolution to the lending institution advising of the **commitment** to grant a Village Entitlement based on an approved mortgage.

Village or Nation Land Entitlements will **no longer** be granted until such time as the homeowner has an approved mortgage.

## **12.0 Housing Project Funds:**

Any monies not expended upon completion of any new housing or renovation project shall remain with the Gingolx Village Government Housing Program.

The Gingolx Housing Program is “**an assistance program**” only, therefore, should the total cost of any new housing or renovations exceed the grant approved project costs, it shall be the responsibility of the homeowner.

**All new housing or renovation projects will be dependent upon the annual housing budget and annual housing plan.**

## **13.0 Application Process:**

Applicants must forward a letter of intent to Gingolx Village Government Housing Manager identifying the Housing Program you are applying for.

## **14.0 Eligibility:**

Any registered member of the Nisga'a village of Gingolx who is 19 years of age or older, are eligible to apply for the new homeowner grant

Any registered member of the village of Gingolx who holds a Nisga'a Nation Land Entitlement or Village Land Entitlement certificate and owns the home on the specified property is eligible to apply for renovations.

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## **15.0 Housing Application Kits:**

Upon receiving your letter of application, a new housing application kit or renovation kit will be forwarded to you to complete and submit to the Gingolx housing officer. This kit includes the following:

New housing application:

- New housing subsidy application form
- New housing summary of costs
- Building permit application
- Land entitlement application
- Construction insurance verification
- Eligible new housing criteria
- Inspection forms
- Homeowner completion verification

Renovation application:

- Renovation grant application form
- Eligible renovation criteria
- Renovation cost estimate
- Renovation final costs
- Inspection authorization
- Inspection forms
- Renovation project scope of work
- Homeowner completion verification

## **16.0 Communications:**

The Housing Manager is required to confirm receipt of any housing letters from community members in writing, within 5 working days.

## **17.0 Housing Project Approvals:**

Upon receiving your completed housing kit, it will be dated and reviewed by the Housing Manager for approval. Priority will be given to those applicants who have met all program criteria.

Applicants will be notified in writing if you are approved for a housing project. Do not assume that your applications is approved by completing the housing kit.

To ensure fair and equitable access to new housing or renovation funds, priority will be given to those who have “**not**” received housing funds in the past.

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If your application is not approved, you will be notified in writing, as it may require further documentation or you may have already received new housing or renovation funding or may be referred to other agencies for funding.

## **18.0 Deadline for Housing Applications**

The deadline for any housing applications shall be December 31st of each year. This is required to prepare the annual housing expenditure plan as per annual budget.

## **19.0 Inspections:**

Inspection costs for all Housing Programs will remain the responsibility of Gingolx Village Government Housing Department.

Upon receiving your letter of application for renovations, Gingolx Housing Manager will call for an inspection on the unit by an external certified building inspector. Upon receiving the inspection report, a copy will be provided to the homeowner to use as a guide for the renovation kit.

In order to qualify for a renovation grant the homeowner must allow inspections of their residence. These inspections must be carried out by a certified building inspector.

## **20.0 Liabilities:**

Liabilities of the homeowner are described in the *Gingolx Village Government building regulation act*.

Liabilities of the contractor or trades people during construction must be covered under their own insurance. They must provide proof of this to the Homeowner. The contractors or trades people must advise the homeowner of potential hazards during construction and provide adequate barriers to prevent injury.

## **21.0 Homeowner Responsibilities:**

As we step into the new era of housing, Gingolx Village Government recognizes that housing is the responsibility of homeowners, therefore, effective august 14th, 2015, Gingolx Village Government will no longer take on the duty of administering your housing needs on your behalf. Our role will be to ensure the delivery of Housing Program & services to our members.

Therefore, homeowners will be responsible for the following:

- Letter of intent for housing services
- Completion of housing kits
- Hiring of your own contractors
- Building permits

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- Land entitlement request for new housing
- Securing additional funding if required
- Insurance

## **22.0 Amendments:**

As the Gingolx Housing Policy is continually evolving, therefore, from time to time amendments to the Housing Policy may be made at the discretion of the Gingolx Village Government.

Gingolx Village Government may consider other housing initiatives that are not identified in this policy. Such housing initiatives must be approved by Gingolx Village Government via council motion/resolution.

## **23.0 Contact Information:**

Should you require any further information regarding Gingolx Village Government Housing Programs, you may contact the Housing Manager at 250-326-4212.

## **24.0 Enclosures**

1. Gingolx Village Government building regulation act
2. Gingolx housing application kits

Gingolx Housing Policy read a first time the 4<sup>th</sup> day of May 2014.

Gingolx Housing Policy read a second time the 10<sup>th</sup> day of august 2015.

Gingolx Housing Policy read a third time the 12<sup>th</sup> day of august 2015.

Gingolx Housing Policy adopted the 13<sup>th</sup> day of august 2015.

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**Chief Councilor**

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**Chief Administrative Officer**