



HOUSING

OCCUPANCY

LAW

TABLE OF CONTENTS

	Page
Preamble	3
Section One - Purpose	3
Section Two - Principles	4
Section Three - Title of this Law	6
Section Four - Definitions	6
Section Five – Ochapowace Nation Property	8
Section Six – Application of this Law	9
Section Seven – Use Enjoyment and Occupation of Family Home	9
Section Eight – Enforcement	10
Section Nine – Appeal	10
Section Ten – Liability	10
Section Eleven – Conflict of Interest	11
Section Twelve – Ratification	11
Section Thirteen – Amending this Law	11
Section Fourteen – Assent and Approval	12

OCHAPOWACE NATION

HOUSING OCCUPANCY LAW

PREAMBLE

As a sovereign nation, in accordance with the Ochapowace Nation Constitution, the Ochapowace Nation has the full right and power to self determine a governance process without any interference. No other jurisdiction shall infringe, impede, interpret, decide on, or affect this Ochapowace Housing Occupancy Law.

Ochapowace Nation and the Crown in Right of Canada, possess the responsibility to uphold the original spirit and intent of Treaty.

The Ochapowace Nation Housing Occupancy Law is the sole responsibility of the Nation and is subject to its laws.

SECTION ONE - PURPOSE

1. This Ochapowace Housing Occupancy Law describes and sets out the rules governing all aspects of the Ochapowace Nation Housing Occupancy Law.

SECTION TWO - PRINCIPLES

2. The Ochapowace Nation are Sovereign Indigenous Peoples by virtue of our Inherent Rights granted to us by the Creator and Treaty. We possess and enforce the following principles:
 - a) International Indigenous Peoples Rights as contained in the United Nations Declaration on the Rights of Indigenous Peoples are sources of our Rights that are hereby invoked and applied.
 - b) Treaty is an international status covenant guaranteeing a nation-to-nation relationship that is to be funded accordingly.
 - c) We possess equal status as a nation in the Treaty relationship.
 - d) The successor nation Canada by virtue of its Constitution 1982, possesses a fiduciary obligation and duty to honor and uphold Treaty.
 - e) The current fiscal relationship with the Crown must be sufficient and adequate for our Nations developmental needs and for the full enjoyment of our fundamental freedoms.
 - f) Treaty is a legally binding agreement intended to recognize and enforce obligations and duties on all signatories.
 - g) Treaty is a collective agreement covering all aspects of this Housing Occupancy Law

- h) Treaty is an international agreement between Nations, guaranteeing a nation to nation relationship recognized by International treaty law.
 - (i) International Treaty Law is hereby invoked; and applied: a party to Treaty cannot invoke the provisions of its internal Law to justify failure to perform a Treaty.
- i) All Ochapowace Nation Housing shall be constructed and maintained in accordance with or exceeding Canadian national housing standards.
- j) We possess equal status as a nation in the Treaty relationship.
- k) The Ochapowace Land Use Policy and the Ochapowace Housing Policy shall evolve to complement this Ochapowace Nation Housing Occupancy Law.
- l) Ochapowace people are considered equal under all laws of the Ochapowace Nation.
- m) This Ochapowace Nation Housing Occupancy Law supersedes and transcends all other jurisdictions.
- n) Ochapowace Nation holds, acquires and gains property intended for the sole use of the original Ochapowace people, their descendants and those individuals who are eligible to be registered as a Citizen of Ochapowace. This includes all housing located on Ochapowace Reserve and other lands in Ochapowace possession.
- o) Ochapowace Nation assets and property are not subject to any outside jurisdictions, laws or court processes.
- p) The Ochapowace Constitution shall be used in all matter of interpretation, decision making and enforcement of decisions.

SECTION THREE – TITLE OF THIS LAW

3. Title of this Law

The title of this Law is the *Ochapowace Nation Housing Occupancy Law*.

SECTION FOUR - DEFINITIONS

4. Definitions:

In this Law, the following definitions apply:

- a). **“Assets”** means all collectively owned property of the Ochapowace Nation including but not limited to homes, buildings, companies, equipment, business, investments, trusts, records, intellectual property and minerals and resources.
- b). **“Child”** under 18 years of age means:
 - (i) a child of the spouses, whether born in wedlock or not;
 - (ii) a child adopted by the spouses in accordance with the law of a province or territory or in accordance with traditional custom;
 - (iii) a child of one spouse and adopted by the other spouse; or
 - (iv) a child whom the spouses have demonstrated a settled intention to treat as their child.
- c). **“Common-law partner”** means an individual who, in respect of another person, is not married to the other person but:
 - (i) has been living together with the other person in a marriage-like relationship continuously for a period of at least one (1) year;

- (ii) has been living together with the other person in a marriage-like relationship and together they are the natural or adoptive parents of a child.

- d). **Okimaw/Okimaw Iskew** - Leader or head of Ochapowace government.

- e) **Headmen/Headwomen** - along with the Okimaw/Okimaw Iskew, form the body of Ochapowace Government.

- f). **"Council"** means the elected leaders of the Ochapowace Nation which includes the Okimaw/Okimaw Iskew and Headmen/Headwomen (formerly known as the Chief and Councillors).

- g). **"Dispose"** includes to give, to sell, to exchange and any other method of disposal or instrument, including by a will.

- h). **"Family home"** means an Ochapowace asset allocated for the use and benefit of a family Unit.

- i). **"Citizen"** means an individual who is eligible to be registered as a Citizen of Ochapowace. This definition does not prejudice the forcible amalgamation, the reestablishment or the inherent rights of the Kakisiwew and Chacachas original Treaty Indigenous Nations.

- j). **"Spouse"** means an individual who, in respect of another person:
 - (i) is married to the other person;
 - (ii) is a common-law partner of the other person.

- k) **"Divorce/Separation"** means when a relationship has broken down and the Ochapowace citizen has vacated the home.

- l). **"Ochapowace Housing Authority"** is the department responsible for the day to day operations and management of the Ochapowace houses/homes or residences.
- m) **"Treaty"** is an international agreement concluded between nations in written form and governed by International Law. Treaties No. 1 to 11 encompasses Treaty No. 4.

SECTION FIVE – OCHAPOWACE NATION PROPERTY

- 5. A family home is for the use, enjoyment and occupation of the spouses and their children. Any personal possessions obtained by individuals located in the homes is exempt from this Law.
- 6. No individual can dispose of, transfer or encumber a family home owned by the Ochapowace Nation.
- 7. In accordance with the Ochapowace Nation Housing Policy, homes built on the Ochapowace lands with Ochapowace Nation funds, are collectively owned by the Ochapowace Nation.
 - (i) Where homes and buildings are privately constructed and owned, the Ochapowace Nation Housing Policy shall apply.
- 8. In accordance with the Ochapowace Nation Land Law and the Ochapowace Nation Land Policy, any and all lands acquired under various settlement Agreements is collectively owned by the Ochapowace Nation.

SECTION SIX – APPLICATION OF THIS LAW

9. This Law applies to:
 - a) the use and occupation of homes on Ochapowace Nation land; and
 - b) at least one occupant is a citizen of the Ochapowace Nation.

SECTION SEVEN – USE, ENJOYMENT AND OCCUPATION OF HOME

10. When a surviving spouse is a non-native person, he/she will be allowed to continue to reside in the home until their minor children reach the age of majority eighteen (18) providing that the children are citizens of the Ochapowace Nation and continue to reside in the home.
11. In the absence of dependent children, the non-Ochapowace spouse who is occupying the family home when the other spouse dies, is entitled to continue to occupy the family home for up to three hundred and sixty five (365) days after the spouse's death. Upon expiry of the three hundred and sixty five (365) days, the house reverts back to the Housing Authority for reallocation by the Housing Authority.
12. In the absence of dependent children, the non-Ochapowace spouse who is occupying the family home when divorced/separated is entitled to continue to occupy the family home for a period of one hundred eighty (180) days after the divorce/separation. Upon expiry of the one hundred eighty (180) days, the house reverts back to the Housing Authority for reallocation by the Housing Authority.

SECTION EIGHT - ENFORCEMENT

13. The Ochapowace Housing Authority is responsible for the notification of the allocating/vacating of the homes.
14. Where non-recognition, non-adherence and non-acceptance of this Ochapowace Nation Housing Occupancy Law by Ochapowace citizens or non-citizens, the Ochapowace Constitution shall apply.
15. Ochapowace Okimaw/Okimaw Iskwew and Headmen/Headwomen possess the responsibility for the enforcement of the Ochapowace Nation Housing Occupancy Law.
16. That a shelter and housing portfolio be established in accordance with the Ochapowace Nation Constitution and other Ochapowace Laws.
17. The Ochapowace Community Tribunal, together with the Kehte-ayak will function as our court and will be responsible for ruling on the coverage and application on all matters affecting, impacting, breaching or in violation of the Ochapowace Nation Housing Occupancy Law.

SECTION NINE - APPEAL

18. All appeals must be made within thirty (30) days of receipt of notification. The appeal process is outlined in the Ochapowace Nation Housing Policy.

SECTION TEN - LIABILITY

19. The Ochapowace Nation is not liable for anything done, or omitted to be done by Parliament in all manifestations, prior to the date this Ochapowace Housing Occupancy Law coming into effect.

SECTION ELEVEN – CONFLICT OF INTEREST

20. Any elected, appointed official or an employee of the Ochapowace Nation shall declare any conflict of interest with respect to his/her private interests. Any breach of the conflict of interest will be held with the laws and procedures of Ochapowace Nation.
- a) No entity shall set their own compensation.

SECTION TWELVE - RATIFICATION

21. Ratification of this Law will be in accordance with the Ochapowace Nation Constitution.

SECTION THIRTEEN – AMENDING THIS LAW

22. Our Ochapowace Nation Constitution is hereby acknowledged as our primary law, intended to govern and protect the Ochapowace people;
23. Amendments to this Law shall be made in accordance with the Ochapowace Nation Constitution.
- (i). The Laws of the Nation shall be considered property of the Nation and can only be changed by the will of the Ochapowace people.

SECTION FOURTEEN - ASSENT AND APPROVAL

24. WE, THE UNDERSIGNED, UNDERSTAND AND KNOW THAT WE POSSESS FULL SOVERNTY AND THE RIGHT TO SELF DETERMINATION.

IN FULL ACCORDANCE WITH THE APPLICATION OF TREATY PRINCIPLES OF FREE PRIOR AND INFORMED CONSENT AND OUR RIGHT TO PARTICIPATE IN DECISION MAKING, DO HEREBY AFFIX OUR NAMES AND CONFIRM THE ADOPTION AND APPROVAL OF THE OCHAPOWACE NATION HOUSING OCCUPANCY LAW FOR IMMEDIATE AND FULL IMPLEMENTATION FROM THIS DAY FORWARD:

Signed and dated this 24th day of May, 2015.

Okimaw Iskewew:

MARGARET BEAR

Margaret Bear

HEADMEN/HEADWOMEN:

PETRA BELANGER

Petra Belanger

TIM B. BEAR

Tim Bear

SHELLEY A. BEAR

Shelley Bear

LESLIE GEORGE

Leslie George

JOHN STILL

John Still

SHAYA WATSON

Shaya Watson