

First Nations Housing
Professionals Association



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

www.fnhpa.ca | info@fnhpa.ca

An Introduction to FNHPA Programs & Services and An Overview of the *Family Homes on Reserves & Matrimonial Interests or Rights Act* (FHRMIRA)



Legal Disclaimer

The First Nations Housing Professionals Association DOES NOT provide legal advice. This presentation is for information purposes only. In all matters relating to Matrimonial Real Property on reserve, we strongly recommend that individuals obtain legal counsel from a lawyer well-versed in the Application of the Indian Act, First Nation Land Code (where applicable), FHRMIRA or First Nation MRP Law and the couples circumstances.



Topics to be Covered:

1. **Introduction of First Nations Housing Professionals Association (FNHPA)**
 - Programs and Services
2. **Introduction to the MRP Regional Consultants**
 - MRP Referrals and Inquiries with FNHPA
3. **Overview of the Federal Legislation – The Family Homes on Reserves & Matrimonial Interests or Rights Act (FHRMIRA)**
4. **Working with MRP in First Nation Housing**
5. **Questions**





Meet our MRP Team

Our Matrimonial Real Property (MRP) Team is comprised of Housing Professionals dedicated to supporting First Nation communities and advancing housing initiatives and will lead the development and implementation of the MRP Program On-Reserve.

- **Manager, MRP** – CARRIE ZEPPA, *FNHP, CIHRP*
- **Administrative Clerk, MRP** – MERCEDES SANDY
- **Program Coordinator, MRP** – DARLENE CHEVRIER, *FNHP*
- **MRP Regional Consultant ATL/QC**, SHAYNE McDONALD





MRP Law and Governance
FROM FAMILY HOMES TO NATION LAWS

Matrimonial Real Property (MRP) Goal

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.





Our History

FNHPA, incorporated on January 1, 2019, is a national non-profit organization led by a founding Board of First Nations housing professionals. It provides leadership in housing management by advancing standards, certification, and professional development to build capacity for members and First Nations organizations.





Expanding Knowledge and Capacity

FNHPA's mission is simple: to support current and future Housing Professionals in serving their communities by:

- Setting national standards
- Providing education and certification programs
- Encouraging communication and knowledge-sharing
- Offering personal support and availability to First Nations Housing Professionals across Canada

Programs

Education and Capacity Development

- FNHP Designation
- Webinars
- Workshops

Housing and Wellness Program

- Youth Focus – Keeper of my Home
- Housing Staff
- Occupants
- The Home

Matrimonial Real Property

- Education and Training
- Capacity Building





FNHPA Knowledge Centre

- This area contains over 650 resources, templates, best practices and tools. A listing of the areas and items are provided in this public area. However, actual connection to see the items are restricted to members who use their password to access the practices and tools through the Members Home on the FNHPA website.





MRP Program Transition: A New Era for First Nations Housing

- In Fall 2023, the First Nations Housing Professionals Association (FNHPA) officially assumed administration of the Matrimonial Real Property (MRP) Program.
- This transition was made from the Centre of Excellence for MRP (COEMRP), previously housed at the National Aboriginal Lands Managers Association (NALMA).
- This marks a pivotal stride toward empowering First Nations communities to manage their housing and land affairs with increased autonomy and cultural relevance.



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Legacy of the Centre of Excellence for MRP (COEMRP)

- Established by NALMA in response to an ISC Call for Proposal
- Delivered essential services to support First Nations MRP development
- Guided communities in drafting their own MRP laws
- Shared information on rights and protections for on-reserve individuals and families
- Supported the implementation of the Provisional Federal Rules (PFRs)



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Why MRP Matters in First Nation Housing

Property is central to the well-being of families, communities, and Nations

- In First Nation Housing, we focus on both the people and the homes that support them.

You have a key role in addressing property rights under FHRMIRA

- Housing professionals help ensure fairness, safety, and stability during family transitions.

Housing Departments manage some of the First Nation's most valuable assets

- Effective property management supports long-term community investment and sustainability.





Your Role in Supporting MRP Implementation

As First Nation Housing staff, you hold key knowledge

- that supports the successful implementation of Housing Policies and Procedures, as well as legislation like the *Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)*.

Whether you work in Lands or Housing, your role as a technician is essential

- A solid understanding of matrimonial rights and interests helps protect individuals and families during relationship breakdown or crisis.





FNHPA's MRP Support Services

**Developing
education and
training initiatives
related to MRP**

- **Development of the MRP Toolbox Kit**

Understanding and Working with MRP in First Nation Housing (2025/2026)

- **Toolbox Training & Outreach**

Capacity-building workshops for housing and lands staff

- **Information Sessions**

For technicians, Chief & Council, and community members

- **Regional Engagement Sessions**

Canada-wide sessions (2025/2026) to support First Nations in developing their own MRP laws

- **Outreach Activities**

Providing resources and education on individual and family protections and rights under MRP

- **Support for Provisional Federal Rules (PFRs)**

Assistance with understanding and implementing the PFRs



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Expanding MRP Support Across Regions

FNHPA is proud to announce the engagement of **four Regional Consultants** to support the planning, development, and delivery of our Matrimonial Real Property (MRP) Program.

- ✓ With this expanded support, we anticipate a strong, positive impact from our Regional Consultants in their respective regions.
- ✓ **Regional Engagement Sessions** will be led by these consultants to provide in-depth, accessible education on MRP and the associated legislation.

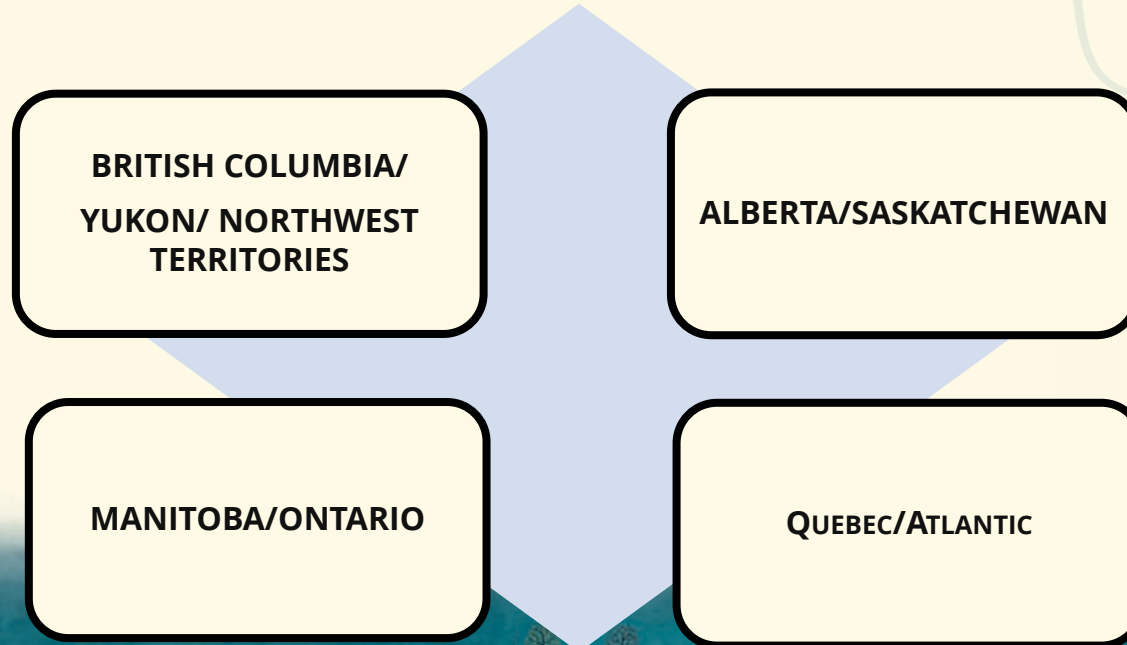




MRP Regional Consultants

Our Regional Consultants are your go-to experts for MRP-related guidance. They will:

- Act as dedicated points of contact,
- Provide expert advice on navigating FHRMIRA,
- Support departments and community members in understanding their rights and responsibilities under the Act.





British Columbia/Yukon/Northwest Territories – JENEEN HUNT

- Jeneen Hunt is a member of the Kwakiutl Band, Port Hardy, BC
- Over the years, she has worked as a Housing Manager for 11 years and as a Band Manager for 12 years
- Jeneen is the Director of Operations for the Kwakwaka'wakw FNPCI



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Alberta/Saskatchewan – RUBY SINCLAIR

- Ruby Sinclair is a member of the Flying Dust First Nation in Treaty 6 Territory where she resides with her husband and 6 children.
- She received a Bachelor of Education and a Juris Doctor from the University of Saskatchewan. Ruby's legal career includes extensive experience with Indian Residential School Claims and Day School claims.
- Ruby is currently In-House legal counsel with Flying Dust First Nation with a focus on the Nations corporate division and lands management.



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Manitoba/Ontario – JAN LEROUX

- Jan Leroux is a member of and resides on the Algonquins of Pikwakanagan First Nation.
- Worked for Administration in various positions.
- Former Manager of Lands, Estates, Membership and Band Governance.
- Lead Staff on the development of their own MRP law.



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Quebec/Atlantic – **SHAYNE MCDONALD**

- Shayne McDonald is a member of the Miawpukek First Nation in Newfoundland and Labrador
- Previously worked as an MRP specialist with COEMRP
- Worked over 30 years with First Nations Governance, law making and policy development
- Member of the Newfoundland and Labrador Law Society since 1993



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Contact Information:

For more information or to connect with your MRP Regional Consultant:

 **MRP Toll-Free Line: 1-888-668-6070**

 **Email: info.mrp@fnhpa.ca**

*We're here to support you **24 hours a day, 7 days a week, all year round.***





High Level Overview: FHRMIRA (Federal Legislation) *Family Homes on Reserves & Matrimonial Interests or Rights Act*



DEFINITIONS

- **Common-law partner** - is a person who has cohabited with an individual in a conjugal relationship. The *Indian Act* defines a spouse in a relationship of 1 year.
- **Family home** - (the structure only, not the land) situated on a reserve where the family normally lives. It will also be referred to as the “home”.
- **Matrimonial Real Property** - the immovable property used by a couple and their family, normally the family home and the land it is on.
- **Personal Property** - refers to movable assets such as cars, money in the bank and household goods.





Matrimonial Interests or Rights

FHRMIRA **only** applies to married and common-law partners — it ***does not*** apply to other family members





MRP Legislation – What's the Issue?

Understanding the MRP Legislative Gap

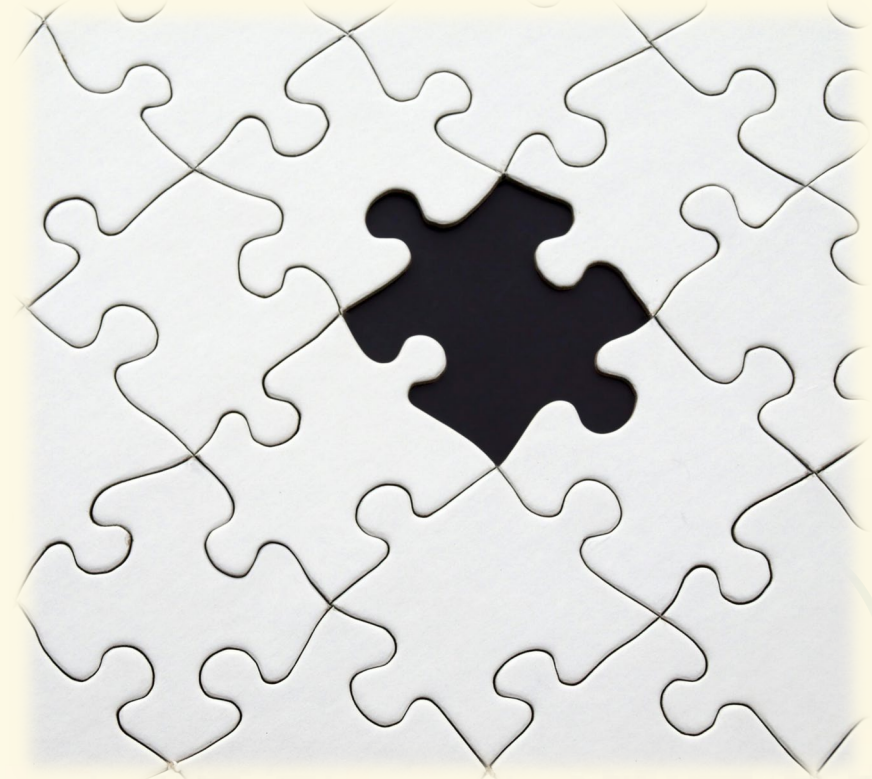
- In 1986, the Supreme Court of Canada ruled that provincial and territorial family laws do not apply to Matrimonial Real Property (MRP) on reserves, and the Indian Act does not address the issue.
- As a result, many legal protections and rights available to Canadians off reserve were not accessible to individuals living on reserves — creating a legislative gap.





Understanding the MRP Legislative Gap

- In 1986, the Supreme Court of Canada ruled that provincial and territorial family laws do not apply to Matrimonial Real Property (MRP) on reserves, and the Indian Act does not address the issue.
- As a result, many legal protections and rights available to Canadians off reserve were not accessible to individuals living on reserves — creating a legislative gap.





Understanding MRP Legislation

The *Family Homes on Reserves and Matrimonial Interests or Rights Act* (FHRMIRA) was enacted to ensure that individuals 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.

- **Matrimonial Real Property (MRP)** refers to **land** held by one or both spouses or common-law partners and used by the family.
 - It may include **homes, sheds, and any other structures** that are securely attached to the land.





What is MRP?

Why is it an Issue On-Reserve?

- Matrimonial Real Property (MRP) is land held by one or both spouses or common-law partners and used by the family; it may include houses, sheds and any other structure that is not securely attached to the land.
- Personal property – moveable assets such as, furniture, cars, cash, etc.

Federal: Jurisdiction on-reserve

Provincial: Jurisdiction of personal property





MRP Legislation – What's the Issue?

Understanding the MRP Legislative Gap

- In 1986, the Supreme Court of Canada ruled that provincial and territorial family laws do not apply to Matrimonial Real Property (MRP) on reserves, and the Indian Act does not address the issue.
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FHRMIRA – Two Main Parts

1. FIRST NATION LAW MAKING MECHANISM

(effective
December 16,
2013)

A First Nation may
choose to enact
their own MRP Law

2. PROVISIONAL FEDERAL RULES (PFR'S)

(effective December 16,
2014)

The PFR's provide
interim rules for
dealing with
matrimonial real
property until the
First Nation passes
its own MRP Law





Family Home - Rights to Occupancy

S. 14

Each Spouse or common law partner have an equal right to occupancy of the family home and applies whether or not that person is a First Nation member or an Indian.





Family Home – Consent for Encumbrance

S. 15

Requirement of spousal consent for sale or disposal of the family home

- This section provides spouses with protection that the family home cannot be sold, or otherwise disposed of, or encumbered during the marriage or common-law relationship.
- It requires the free and informed and written consent of the spouse or common-law partner
- This requirement applies whether or not that spouse is a First Nation member or an Indian.



Rights & Remedies on Death of a Spouse or Common-Law Partner



Automatic 180 Days for surviving spouse or common-law partner to reside in the Matrimonial home

Family/parties may resolve amongst themselves

Survivor applies for EOO and/or division of value, if applicable to Court

Notice to other parties (e.g. heirs)

Must provide notice to Council

Council determines its position

Council can make representation to the Court

Court renders an order

Order to Minister and First Nation



What is an Emergency Protection Order (EPO) S. 16-19

An Emergency Protection Order (EPO) is a short-term court order (up to 90 days) that can be granted quickly by a designated judge, without notifying the other party, when family violence has occurred and immediate action is needed to protect a person or property from harm.





Rights and Protections – Where Family Violence by interest holder – Emergency Protection Order

BEFORE	AFTER
• Interest holder may remain in the home	• S. 16 allows victim to apply for an Emergency Protection Order (up to 90 days)
• Victim and children may be required to vacate the home	• Order can require the applicant's spouse to vacate the family home
• May result in homelessness or living at a temporary shelter off-reserve	• Victim may also apply for Exclusive Occupation of the family home (s.20)
• No legal recourse	





Exclusive Occupation Order s. 20 & 21

Housing Managers/Lands Managers

- Review the Housing Policy/Agreements to see if there are any discrepancies with respect to FHRMIRA
- Naming all tenants on the lease/agreement
- Look at the land tenure and type of housing agreement
- Was there a subsidy provided on the home from ISC
- Determine if Chief and Council will provide a response to application and who will write the response





Judge's Decision - Section 21 (3)

Judge's Considerations for Matrimonial Home Orders

- **Best interests of the children**
- **Agreements** made between spouses
- **Collective interests** of the First Nation
- **Financial or medical circumstances** of spouses
- **Existing court orders** on the matter
- **History of family violence or psychological abuse**





Judge's Decision (Cont'd)

- **Elderly or disabled occupants** in the home
- **Terms of a will**
- **Medical condition** of the survivor spouse/partner
- **Length of time** the survivor has lived on reserve
- **Significant value** of the family home
- **Rights of other persons** with interests in the home
- **Domestic agreements** signed by both spouses
- **Exceptional circumstances** relevant to the case





FHRMIRA s.27 Other Provisions - Penalties

- Any person who contravenes an order made under any of s.16-19, a provision referred to in paragraph 20(4)(a) contained in an order made under s.20 or a provision referred to in paragraph 21(4)(b) contained in an order made under s.21 is guilty of an offence punishable on summary conviction and liable
- in the case of a first offence, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding three months, or to both; or
- in the case of a subsequent offence, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding one year, or to both.





Division of Assets Sections 28-31

The Act sets out how Matrimonial Real Property (MRP) is divided when a relationship breaks down:

- Either spouse or common-law partner may apply to a court for division of the value of the family home and other matrimonial interests.
- Orders may include:
 - Exclusive occupation of the family home
 - Equalization or compensation payments
 - Division of on-reserve property in accordance with the Act



Division of Value on Separation

House Value: \$100,000
Land Value: \$20,000



Member & Member



$\frac{1}{2}$ Value of Family Home = \$50,000
 $\frac{1}{2}$ Value of Land = \$10,000
Possible Division = \$60,000

Member & Non-Member



$\frac{1}{2}$ Value of Family Home = \$50,000
Full Value of Land = \$20,000
Member Possible Division = \$70,000

 $\frac{1}{2}$ Value of Family Home = \$50,000
Non-Member Possible Division = \$50,000

Note: Non-Members cannot share in the value of the land





Role of Chief and Council

Chief and Council play a crucial leadership role in ensuring that MRP laws are fair, transparent, and in the best interest of the community.

Whether enforcing the Provisional Federal Rules or developing their own MRP laws, they must balance traditions and values, legal responsibilities, and community needs in managing matrimonial property issues on reserve.



Matrimonial
Real Property

| FNHPA

Matrimonial Real Property
- ROLE OF CHIEF AND COUNCIL

CHIEF AND COUNCIL PLAY A CRUCIAL ROLE IN ADDRESSING MATRIMONIAL REAL PROPERTY (MRP) ON RESERVE. THEY HAVE THE AUTHORITY TO ENACT THEIR OWN MRP LAW, ENSURING IT REFLECTS THE VALUES, TRADITIONS, AND GOVERNANCE STRUCTURES OF THEIR FIRST NATION.

SUMMARY OF THE FAMILY HOMES ON RESERVES AND MATRIMONIAL INTERESTS OR RIGHTS ACT (FHRMIRA):

On June 19, 2013, 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. The new law affects "Matrimonial Real Property" also known as "Family Property" on reserves.

It seeks to provide basic protection and rights to individuals living on reserves regarding the family home and other matrimonial interests and rights:

Key Responsibilities of Chief and Council:

Understanding the Legislation:

Chief and Council should review the Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA) to determine how it applies to their community.

Seeking Legal Guidance:

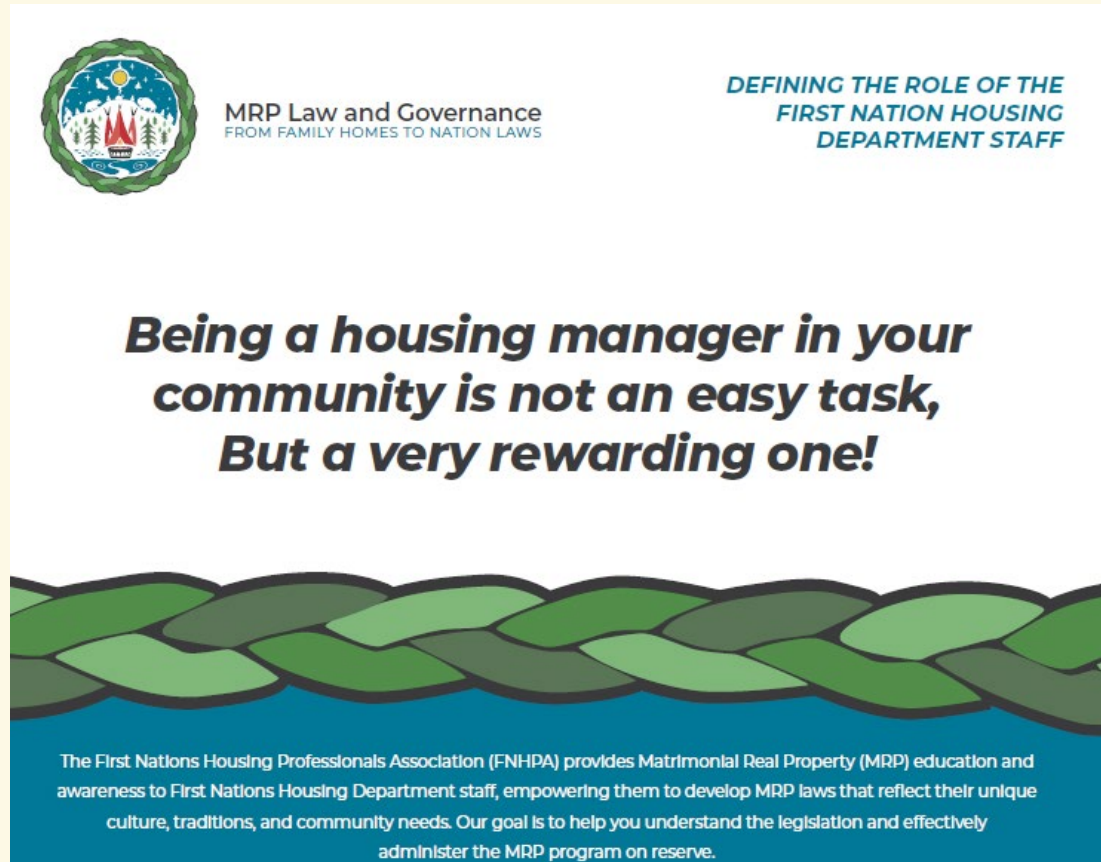
Engaging with a legal advisor can provide clarity on their roles, responsibilities, and the legal implications of developing or implementing an MRP law.





Best Practice for Housing Manager

As a First Nation Housing Staff Technician, you play a critical role in supporting your community's leadership and housing team in understanding and implementing Housing Policies, Procedures, and FHRMIRA. Your expertise is essential in ensuring that First Nation housing programs align with legislation and provide fair outcomes for community members.



The poster features the FNHPA logo on the left. To its right, the text reads 'MRP Law and Governance' and 'FROM FAMILY HOMES TO NATION LAWS'. Further right, in a smaller font, is 'DEFINING THE ROLE OF THE FIRST NATION HOUSING DEPARTMENT STAFF'. The central text, in a large, bold, italicized font, states: 'Being a housing manager in your community is not an easy task, But a very rewarding one!'. Below this text is a decorative horizontal band with a green and brown braided pattern. At the bottom, a blue box contains the following text: 'The First Nations Housing Professionals Association (FNHPA) provides Matrimonial Real Property (MRP) education and awareness to First Nations Housing Department staff, empowering them to develop MRP laws that reflect their unique culture, traditions, and community needs. Our goal is to help you understand the legislation and effectively administer the MRP program on reserve.'



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Role of First Nation Housing Manager

Having a dedicated Housing Manager strengthens the administration of housing programs and ensures compliance with laws such as FHRMIRA. This role is central to supporting families, protecting rights, and maintaining effective housing operations on reserve.

Key Responsibilities:

- **Policy and Agreement Oversight**
 - Review and update housing policies to ensure alignment with FHRMIRA.
 - Ensure housing agreements and tenancy documents reflect MRP obligations and processes.
- **Collaboration with Community Leadership and Departments**
 - Work closely with Chief and Council to implement housing decisions in compliance with FHRMIRA.
 - Coordinate with Land, Social Development, and Health departments for applications, tenancy issues, and tenant support.



Questions?



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