

Housing and Community Economic Development: The Case of Membertou

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ABSTRACT

The purpose of this article is to describe housing and community economic development in Membertou, a First Nation community located in Mi'kma'ki. First, I review how the federal government has not adequately intervened in housing for First Nations communities across Canada. I then present a case of my home community of Membertou and the initiatives that are in place to help solve the local housing crisis and generate community wealth at the same time. These initiatives include the generation of community-controlled businesses and changes to the land code, and new housing initiatives using own-source funding which also incorporate the use of locally owned and operated companies for housing construction and which emphasize training and skills development among band members. In this case study, I use data including community reports, media stories, and in-depth interviews.

RÉSUMÉ

Cet article a pour objet de décrire la situation du logement et le développement économique communautaire dans Membertou, une communauté des Premières Nations située en Mi'kma'ki. Dans un premier temps, j'examine l'inaction du gouvernement fédéral en matière de logement dans les communautés des Premières Nations au Canada. Je présente par la suite le cas de ma communauté d'origine Membertou, ainsi que les initiatives mises en œuvre afin de pallier la crise du logement et tout à la fois générer la richesse au sein de la communauté. Ces initiatives incluent la création d'entreprises contrôlées par la communauté et les changements apportés au code foncier, ainsi que des projets de logements neufs financés à partir de revenus autonomes et qui font appel à des entreprises de construction détenues et exploitées localement tout en mettant l'accent sur la formation et le développement des compétences des membres de la bande. Cette étude de cas repose sur des données extraites de rapports communautaires, de reportages médiatiques et d'entrevues en profondeur.

Keywords / Mots clés : housing, Membertou, Mi'kma'ki, community economic development, land code / logement, Membertou, Mi'kma'ki, développement économique communautaire, code foncier

INTRODUCTION

A lack of adequate, affordable housing has been a serious issue in First Nations communities since their members were forced to move to reserves created by the federal government. Reserves were created by the Crown, and section 18 (1) of the Indian Act states “Subject to this Act, reserves are held by Her Majesty for the use and benefit of the respective bands for which they were set apart, and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used or are to be used is for the use and benefit of the band” (Indian Act, 1985). Reserves were created differently depending on the part of the country in which they were located. In the Atlantic region, reserves were not created by treaties. The British believed that Indigenous Peoples in this area were headed for extinction and did not feel it was necessary to establish any treaty negotiations with the Mi'kmaq and Maliseet who occupied the Atlantic lands (National Aboriginal Lands Managers Association, 2017a).

The purpose of this article is to describe housing and community economic development in a First Nation community located in Mi'kma'ki. After reviewing various ways the federal government has failed to adequately intervene in housing and discussing why a housing crisis still exists across Canada on reserve, I will present the case of my home community of Membertou, Nova Scotia, and the initiatives that are taking place there to help solve the housing crisis and generate community wealth at the same time. These include the development of community-owned businesses and changes to the land code, and new housing initiatives that also incorporate locally owned and operated companies for housing construction and emphasize training and skills development among band members.

This article's focus on housing in Mi'kmaq'ki extends the limited academic literature on Indigenous housing on reserve. Second, this paper contributes to practice, written to provide practitioners and policymakers with an understanding of housing history and constraints, and opportunities as experienced in a First Nations community to achieve affordable housing for all. Third, this case study of an Indigenous development corporation's work of generating and capturing local wealth adds to community economic development literature.

BACKGROUND AND LITERATURE

The Indian Act and housing on reserve

Passed by the Canadian government in 1876, the Indian Act combined all the legislation related to Indigenous Peoples in one Act. The land on which Indigenous Peoples were forced to reside would be protected but administered by the Crown. The government planned to protect First Nations until assimilation was complete, supported with oppressive and harmful policies and practices imposed through colonial rule. Indian agents were hired to work in communities with the goal of assimilating and civilizing the “Indian.” In addition to regulating land, the Indian Act placed extensive restrictions on membership, elections, estates, and education. Traditional governance in First Nations communities was not recognized; instead, the Indian Act created and defined the roles and responsibilities of band councils with strict oversight and supervision by the federal government and their local representatives (McMillan, 2018).

The severe restrictions of the Indian Act played a key role in the difference between on- and off-reserve housing since the federal government had control over all aspects of reserves. Leaders and members had no autonomous decision-making power over building or community finances, which denied First Nations the opportunity to make decisions about how to use funds to support their housing (Olsen, 2016). Development was also affected because parcels of reserve land could not be used as collateral as a means to access financing (Standing Senate Committee on Aboriginal Peoples, 2015). Working on behalf of the Crown, Indian agents made all the decisions and ensured that reserves were following the rules in the Act. With no deliberate housing focus in this legislation, members of First Nations communities were required to use mostly their own limited resources to build housing for themselves and their families, while Indian agents allocated some reserve funds to pay for the rudimentary building supplies for reserve members most in need (Olsen, 2016). This replaced the former practice of community members building homes that reflected climate and lifestyle. A loss of knowledge and skills, such as carpentry to build structures other than shack-type housing, followed, along with lost opportunities to learn new housing practices. Members were left with overcrowded homes with no ability to cook or to keep family members warm (Olsen, 2016).

Meanwhile, the federal government passed its first national housing policy in 1935, called the Dominion Housing Act (Bacher, 1993). The new policy would make it easier and more attainable to get a mortgage for a home since the federal government could provide mortgage insurance (Hulchanski, 1986). In 1938, a second and more refined national housing legislation was passed, called the National Housing Act, and this gave access to renovation loans, made housing more affordable, and made improvements to building standards. These programs did not apply to people who lived on reserve, however. The federal government continued its neglectful approach to reserve housing as it had done since the nineteenth century, by using the band's limited welfare and capital funds to provide housing for those most in need of assistance and leaving other band members to mostly fend for themselves with some limited assistance to purchase building materials (Olsen, 2016).

In Nova Scotia, another important policy that negatively impacted housing was centralization. Between 1942 and 1949, for the sake of assimilation and cost efficiencies, the federal government forcefully moved Mi'kmaq people in Nova Scotia to Eskasoni and Shubenacadie as a failed plan to centralize First Nations reserves (Patterson, 2009; McMillan, 2018). Over 2,100 Indigenous Peoples were relocated during this period. Indian agents burned First Nation homes to prevent people from returning to their communities.

This forced relocation “affect[ed] the life of the Mi'kmaq in Nova Scotia more than any other post-Confederation event, and its social, economic, and political effects are still felt today” (National Inquiry into Missing and Murdered Indigenous Women and Girls [MMIWG], 2019, p. 277). Without adequate funds allocated to new housing on these two rapidly growing reserves, people were forced to live together, which led to overcrowding and the health and other issues that come with it. Homes were substandard and had no insulation despite the Maritime climate in which they were located (MMIWG, 2019).

After repeated requests to Indian agents to address housing problems on reserve in the 1940s, the federal government introduced major (but still inadequate) programs in the following decade. I high-

light the major ones. For example, in 1958, the federal government introduced the Welfare Housing Program, but limited funding and resources resulted in poor quality housing that was inappropriately designed (Olsen, 2016).

In 1966, the federal government implemented the On-Reserve Housing Subsidy Program (Olsen, 2016), providing subsidies, new building standards, and funding. The program was meant to bring more equality between those who lived on reserve and those who did not. However, the responsibility of housing administration was downloaded to band councils who did not have the experience or expertise to take on this role, and so did not involve a full partnership. Given systemic barriers and decades of colonial rule, many communities did not have the capacity to take on this responsibility or the financial resources to address shortfalls (Devine, 2004). First Nations leadership did not have the resources to create housing management programs and policies, and funds provided were still inadequate to meet the needs of the communities.

In 1996, the On-Reserve Housing Program was established, and remains in place in 2022 (Durbin, 2009; Standing Senate Committee on Aboriginal Peoples, 2015), although not all First Nation communities opted into the program and so remained under the earlier subsidy program (Standing Senate Committee on Aboriginal Peoples, 2015). Under this program, which currently falls under Indigenous Services Canada (ISC), reserves receive funds from the federal government to allocate to different housing costs, from new construction to repair/maintenance of existing stock. Funds can also be used for insurance, debt servicing, management, and planning (Standing Senate Committee on Aboriginal Peoples, 2015). Funding is not comprehensive, however, and “First Nations communities and their residents are also expected to secure funding from other sources for their housing needs, including shelter charges and private-sector loans” (Indigenous Services Canada, 2018, para. 3). Funds to assist with rental payments are also available through this department in the form of income assistance to eligible recipients (Indigenous Services Canada, 2018; Standing Senate Committee on Aboriginal Peoples, 2015).

Canada Mortgage and Housing Corporation (CMHC) also provides some funds for housing on reserve. For example, the On-Reserve Non-Profit Housing Program, which began in the 1970s (Devine, 2004), contributes funds for the construction and renovation of affordable rental (social) housing, a Residential Rehabilitation Assistance Program supports building repairs, and a Home Adaptations for Seniors Program provides funding to facilitate aging in place (Durbin, 2009; Standing Senate Committee on Aboriginal Peoples, 2015).

Other more recent significant investments have faltered or also have not been established by and for Indigenous Peoples (Olsen, Merkel, & Black, 2021). The Kelowna Accord was an agreement developed in 2005 between the Government of Canada, 600 bands, and the provinces and territories. The goal was to raise the standard of living for Aboriginal Peoples by providing more services and funding for housing, health, education, and other supports. The government committed \$5.1 billion, with about 30 percent of this designated for housing (Durbin, 2009). However, just a few months later, the newly elected Prime Minister Stephen Harper abandoned the agreement. The Kelowna Accord Implementation Act, introduced by Paul Martin as a private member's bill, was passed in the House of Commons but since private bills cannot make the government spend money, there was no change (Durbin, 2009).

The First Nations Market Housing Fund (FNMHF) was created in 2007 to provide market-based housing opportunities to on-reserve members. The FNMHF is overseen by trustees, while CMHC manages its funds (First Nations Market Housing Fund, 2018a). The fund allows on-reserve members to secure bank mortgages for housing. This is needed as the Indian Act prevents on-reserve house ownership.

Individual band policy determines home ownership options for its members, including the allocation of certificates of possession or having the housing remain band owned. The First Nation must meet certain eligibility criteria to be able to offer this program: financial management, good governance, community commitment, and demand for market-based housing (First Nations Market Housing Fund, 2018b). Once approved by the Fund, the First Nation will make arrangements with specific lenders to allow members to apply for a loan. If approved, the First Nation will be the guarantor. The housing being built under this program is not without controversy. Some First Nations are not in a position to meet the program's criteria. A 2012 study reported that only 10–20 percent of First Nations were ready with the proper governance structure to provide market-based housing to members (Government of Canada, 2012). An additional 30–40 percent were anticipated to be ready in the next three to five years (Government of Canada, 2012). In addition, the housing is not affordable to all members. Only a small number of people living on reserve have the income and credit to build their own home, due to the limited economic opportunities on reserve.

Most recently, Canada's National Housing Strategy (NHS), announced in 2017, provides a decade-long plan, along with tens of millions of dollars, and gives priority to vulnerable groups including Indigenous Peoples. The NHS respects the government's "commitment to nation-to-nation, Inuit-to-Crown, government-to-government relationship with Indigenous peoples" (Government of Canada, 2017, p. 4). Having said this, the NHS has been sharply criticized for not including a by-Indigenous, for-Indigenous housing strategy for those who do not live on reserve (Indigenous Housing Caucus Working Group, 2018), and for designing funding programs without adequate input and designated streams for Indigenous communities (Olsen, Merkel, & Black, 2021).

Table 1: Timeline

1876	Indian Act created
1942–1949	Forced and failed centralization of Mi'kmaw people in Nova Scotia
1958	On-reserve Welfare Housing Program introduced
1966	On-reserve Housing Subsidy Program introduced
1970s	On-reserve Non-profit Housing Program introduced
1996	On-Reserve Housing Program introduced
2005	Kelowna Accord developed (but not pursued)
2007	First Nations Market Housing Fund established
2017	National Housing Strategy announced

Overall, research on on-reserve housing repeatedly finds it to be of poor quality and insufficient (Assembly of First Nations, 2012; Standing Senate Committee on Aboriginal Peoples, 2015; Statistics Canada, 2017; Thompson, Bonnycastle, & Hill, 2020). The Assembly of First Nations' (AFN's) National First Nations Housing Strategy estimates a backlog of 130,000 units by 2031 (Assembly of First Nations, 2012). The AFN argues that adequate housing is a human right and should be prioritized nationally, and that government-funded programs have not been meeting the needs of First Nations people. In addition, many communities are finding ways to provide housing with own source revenue but are not able to provide for all those requiring a safe, adequate, affordable home (Assembly of First Nations, 2012). In Atlantic Canada, 1,449 homes are required to address overcrowding, 1,765 are needed to accommodate population growth, 521 are needed due to mold and radon contamination, 759 need to be replaced due to aging, and 53 condemned units require replacement (MacKinnon, DiCicco, & Asyyed, 2016). Poor housing conditions have also received national attention in light of COVID-19; staying at home, physical distancing, self-isolating, and hand washing have been challenging in First Nation communities experiencing crowded conditions and lack of water (Thompson, Bonnycastle, & Hill, 2020).

RESEARCH METHODS

For this research, I use a case study design focused on my community of Membertou. I draw upon technical reports of housing programs, community documents produced by Membertou on topics including local governance and business development, media stories, and local one-on-one interviews with 10 members of leadership and staff working at Membertou businesses. These interviews were conducted for my major research paper required for my Master of Business Administration in Community Economic Development at Cape Breton University. Approval from the research ethics board was obtained, and permission to do this research was also obtained from chief and council. I also bring my own significant knowledge of housing to this case study, given that I have worked as the Tenant Relations Officer in Membertou and am now the Lands Director.

This research presents the case of housing in one community in Membertou, and is not meant to offer “one size fits all” lessons (Standing Senate Committee on Aboriginal Peoples, 2015) or address housing options available to members off-reserve in Cape Breton Regional Municipality (Leviten-Reid, Matthew, & Mowbray, 2019; Leviten-Reid & Parker, 2018).

MEMBERTOU PROFILE

The Mi'kmaq have lived in the Atlantic provinces, parts of Québec, and northeastern Maine for thousands of years. They were the provinces' first peoples. Artifacts have been found in Debert, Nova Scotia, that date back over 10,000 years (Mi'kmaw Spirit, 2020). The traditional land of the Mi'kmaq is known as Mi'kma'ki and includes Nova Scotia, New Brunswick, Newfoundland and Labrador, Prince Edward Island, and parts of the Gaspé Peninsula (CBU, 2021). There are currently 13 First Nations in Nova Scotia, five of which are located on Cape Breton Island, which is known to the Mi'kmaq as Unama'ki—the land of the fog.

Named after Grand Chief Membertou (1510–1611), Membertou is surrounded by the city of Sydney, Nova Scotia. The community originated on the Kings Road reserve, located on the Sydney Harbour, but was forced to move to the current Membertou location in 1926 (Membertou, 2021). Membertou

is one of the five Mi'kmaq communities located in Unama'ki (Membertou, 2021). Surrounded by the CBRM, Membertou is considered an urban community (see figure one). During interviews, leadership noted the band membership is 1400, and 931 of the members reside within the community.

The Crown offered Membertou two parcels of reserve land before they were given the current Membertou Indian Reserve No. 28B, which is 100.9 acres: Caribou Marsh Indian Reserve No. 29 (219.3 hectares) and Sydney Indian Reserve No. 28A (or Lingan, 5.10 hectares). These two areas fall under the same Indian Act and Membertou Land Code, 2019 provisions. Membertou did not purchase this land. It was bought by the federal government and given to Membertou in hopes that the community would relocate to these locations from the original Kings Road Reserve. The community rejected these locations, and although those whom I interviewed did not know the reason for this decision, it is believed that the federal government did not take the two rejected sites back from Membertou because of the complexity of changing land from reserve to non-reserve land (MacDonald, 2019).

Figure 1: Map of Membertou



The five Unama'ki First Nations (Membertou, Eskasoni, Potlotek, Wagmatcook, and We'koqma'k) also own and govern Malagwatch, which is located 118 km from Membertou in Inverness County. This is a rural area of 661.3 hectares. Mi'kmaq community members from Unama'ki have cabins on the land in addition to some residences. This land is under the Indian Act.

CASE STUDY: TIME FOR CHANGE

Community economic development

A major step in housing development in Membertou is rooted in community economic development and changes in governance. In 1995, Membertou leadership made a decision that change was needed so the community could move forward and not depend solely on government funding; it was time to get finances in order and work towards self-sustainability by generating revenue.

Membertou opened its corporate division in 2000 and worked on business relationships. In 2002, Membertou became the first Aboriginal government in the world to receive the ISO 9001:2000 designation. This took a lot of hard work and dedication by leadership, employees, and community. The designation gives partners and clients the assurance that Membertou has the processes and infrastructure in place to consistently deliver quality and therefore increase business opportunities. Nineteen years later, Membertou is dedicated to maintaining the ISO designation.

Membertou also needed to improve borrowing opportunities. Using loans with five-year terms over 20 years resulted in no cashflow and significant interest payments. To improve, Membertou worked with the First Nations Financial Management Board (FMB) over three years to meet all the criteria to receive a Financial Management System Certificate from FMB in 2015. Membertou was the first

in Canada to do so. This certificate allows Membertou to borrow on better terms, saving the community over \$140,000 a month in interest charges. As a result, Membertou developed a Financial Administration Law (FAL), which reflects the First Nation's commitment to good governance and good financial practices (First Nations Financial Management Board, 2021).

To work around the major barriers imposed by the Indian Act in its early period of community economic development, Membertou needed to be creative and take risks that have since paid off. For example, Membertou did not have designated lands through the Indian Act, due in part to the long process involved. During in-depth interviews, I was told that when a hotel chain wanted to partner with Membertou to build a facility in the community, the required land designation to provide a lease would have taken too long to obtain, and hotel owners perhaps would not want to wait for this process. As a result, the hotel was built on fee simple (freehold) land owned by Membertou rather than on reserve land. Because of this, the hotel is not tax exempt for anyone including those who are defined as holding Indian status under the Indian Act.

Another example of early risk taking is the two business parks that are located on reserve. Many companies from off-reserve were interested in moving into these spaces. So, to avoid the long process of designating the land through the Indian Act, Membertou was able to use their reputation as a well-governed organization to fill the business parks with companies and organizations from off-reserve and used Buckshee leases as a mechanism. Buckshee leases are informal and do not hold up in court. Buckshee leases occur when the land is not designated, meaning that Indian and Northern Affairs Canada has not approved the leases. Membertou did not want to designate the land or business because of the long process involved in doing so, however. The Buckshee leases introduced risk for both Membertou and business owners and organizations looking to move into this space, but trust and respect was evident among all parties involved. Under the 2019 Membertou Land Code, Membertou can approve its own leases and does not need to designate and seek approval from INAC.

Membertou's Corporate division has been successful in opening and managing several businesses creating own-source revenue and less dependence on government funding, including state-of-the-art convention and health and wellness centres, bowling lanes, and fisheries and geomatics divisions (Membertou Council, 2019). Membertou recently announced the "Eleventh Exchange" retail district, which will be located across the highway from the community on land that has recently gone through the Addition to Reserve process.

Membertou is one of the largest employers on Cape Breton Island, and half of its 500 employees are Membertou members. The other half include members of nearby First Nations communities and both non-Indigenous and Indigenous people from Cape Breton Regional Municipality.

Self-governing initiatives

Membertou has also implemented its own laws and self-governing initiatives. These laws and initiatives are critical to both the community-controlled businesses and housing initiatives the community is able to pursue. Membertou established a Governance Committee in 2010, which consists of the governance coordinator, leadership, employees, members, and anyone interested in governance in Membertou. The committee is part of all law-making in Membertou and leads community

engagement sessions to get feedback from the community, provide education, and answer questions on governance issues. These laws take years of work to plan and implement (Membertou Governance, 2010). As an example, the Membertou Family Homes Law adopted in 2016 was developed by Membertou with input from the community with rules around interest related to an individual family home in the event of death, divorce, separation, etc. Membertou developed its own law to follow the provisional federal rules that are in place for matrimonial real property rights and protections on reserve. As a second example, the Membertou Land Code was implemented by Membertou after a ratification vote in June 2019. This seven-year process has allowed Membertou to take back control of 44 sections of the Indian Act, with the implications of some of these summarized in Table 2. In 1999, Canada ratified the Framework Agreement and passed the First Nation Land Management Act (FNLMA) (LABRC, n.d.), which allows signatory First Nations to have authorization to make laws related to land, resources, and environment. Membertou signed the Framework Agreement in 2012.

Figure 2. 84th Framework Agreement



Table 2. The Indian Act and First Nations with Land Codes

Section of Indian Act	Implications for First Nations with Land Codes
18	The First Nation can decide how to use its land.
19	The First Nation can make decisions about road construction, location, and the creation of lots and subdivisions on reserve, and is no longer decided by the Minister.
20	The First Nation can approve and issue instruments such as Certificates of Possession or Occupation. Approval from the Minister is no longer required.
22–27	“Ministerial approval and rules regarding individual holdings no longer required—as the land code sets out the rules applicable to the use and occupancy of First Nation land, including granting or expropriation interest or rights in First Nation land.” (First Nations Land Management Resource Centre, n.d.)
28	The First Nation can issue their own permits and create their own rules under the land code regarding use and occupancy of land.
35	The Governor in Council no longer has the authority to approve the expropriation or use of reserve land on the part of different levels of government or a corporate entity.
37–41	“Surrenders and designation provisions no longer apply. The rules and procedures respecting occupancy of the First Nation land, land use, zoning, etc. are set out in the land code.” (First Nations Land Management Resource Centre, n.d.)
4950(4)	The First Nation can make decisions and administer the proper instruments regarding estate transfers and Section 50 (involving intestate) sales of individual holdings.
53–56	The Minister is no longer able to sell surrendered lands or lease designated lands.
57	The First Nation can make their own regulations regarding timber and mineral surrenders.
58	Provisions regarding unused reserve land no longer apply.

Table 2 (continued)

Section of Indian Act	Implications for First Nations with Land Codes
60	Authority of the Governor in Council to grant rights to the First Nation to exercise control and management of reserve lands is no longer required.
61–69	“Capital and revenue ... collected, received or held for the use and benefit of the First Nation are transferred to their operations and no longer managed by Canada under the Indian Act.” (First Nations Land Management Resource Centre, n.d.)
71	The Minister is no longer able to use reserve land to operate farms.
93	The First Nation can set their own regulations and restrictions regarding removing materials/resources from their lands, including wood, hay, soil or gravel.

Note: This table has been adapted from the First Nations Land Management Resource Centre (n.d.).

During the seven years before implementing the Land Code, the community put in much hard work and commitment. A deep understanding among members of what the Land Code meant for Membertou led to an informed decision at the time to vote. An overwhelming number of community members voted in favour. The Governance committee was creative with the community engagement sessions to entice members to attend sessions, including having meals and door prizes. Membertou organized general community sessions and ones that targeted specific groups such as youth, Elders, women, employees, and men.

This land code has a major impact on housing development and community economic development in Membertou. For one, Membertou is allowed to develop its own land use plan (LUP). An LUP can be described as “a tool to guide existing and future land and natural resources, use, management and protection” (National Aboriginal Land Managers Association, 2017b). By developing an LUP, a First Nation must consider the future use of its natural resources and understand and emphasize what the community values are for the development of their lands. Short and long-range goals are also part of the plan (MacDonald, 2019). Membertou’s initial LUP involved extensive community consultation to involve the community in the process to express how the land should be used collectively and for the benefit of all members. Membertou is currently in the process of updating this document; this work is expected to be completed in March 2023. It is important to update regularly as the needs for the community change.

The development of a land code also allows Membertou to administer its own instruments such as leases, permits, certificates of possession, and more. A lease grants exclusive possession of reserve lands for a specific period. A permit is for a shorter period than a lease and does not give exclusive possession. Because of the land code, there is no longer a need to wait for ministerial approval for these to be issued, which can take a long time.

A Certificate of Possession (CP) can be granted to a member giving them the right to possession of a parcel of land. In Membertou, such a parcel is a numbered lot (INAC, 2002). In 2020, Membertou enacted the Membertou Certificate of Possession Law, created under the Membertou Land Code, 2019 to ensure procedures and consistency. This Law allows Membertou to determine the eligibility

and process for granting CP to Membertou members. Membertou created its own CP template which is written in both Mi'kmaq and English. A CP on reserve gives the individual member rights to possession of the land they are issued. Once a member receives a CP, Membertou no longer has an obligation to that land, although it is still owned by the Crown. Membertou no longer has to insure, repair, or have any other responsibility to the lot to which the member receives a CP. Membertou gives an exception to Elders in the community who possess a CP and require repairs and other investments. Elders are permitted to submit a written request to chief and council to review.

Housing development

Both Membertou's community economic development activities and self-governance initiatives have facilitated local housing development. Membertou has several housing options available to its members, which vary in terms of their level of affordability, tenure, and how they are allocated. All the housing options aim to increase supply of good quality housing on reserve, with housing costs geared to household income. A summary of Membertou Housing Development Initiatives can be found in Table 3 below.

Table 3. Membertou Housing Development Initiatives

First Nations Market Housing Fund	Homes are financed from the FNMHF, as well as an approved lender. Mortgages are on Membertou's balance sheet, and members do not have to pay the full cost of the mortgage, with Membertou contributing up to \$600/month per house. The mortgage is for a twenty-five-year period and the homes are rent-to-own.
On-Reserve Housing Program	BMO provides access to loans for mortgages so that Membertou can build more housing for members. The subsidy provided by Membertou and the other conditions and characteristics of this program are the same as in the FNMHF.
Home Purchase Program	The applicant applies and qualifies for a loan through one of Membertou's approved lenders. Membertou serves as the guarantor and will guarantee up to a certain dollar figure; anything above requires the member to provide their own equity. Membertou provides a \$15,000 grant to the member.
Other Private Member Builds	If a member is approved for a mortgage, Membertou will be the guarantor for the loan up to a certain dollar amount. Approved members will receive a serviced lot and a non-repayable grant.
Housing Lists: Social, Affordable Low Income, and Temporary (apartments)	Rents vary based on a number of factors, including income. Low-income housing is rent-to-own for members for whom other housing programs are unaffordable, but who are employed. Membertou finances the construction and mortgage subsidies themselves. Social housing is rent-to-own for members who are on social assistance and not employed. The Social Department will cover the cost of the rent for eligible clients. Social housing is built using the CMHC Section 95 program. Temporary housing is for those looking for short-term or emergency housing.

Note: BMO, Bank of Montréal; CHMC, Canada Mortgage and Housing Corporation; FNMHF, First Nations Market Housing Fund

The first initiative described here is the First Nations Market Housing Fund. Although Membertou can access other programs available from CMHC and Indigenous Services Canada to assist with housing development, the number of homes being built under these programs has not been enough to meet a growing population. In response, in June 2012, Chief Terry Paul set a goal of building 125 homes in five years (Cape Breton Post, 2012) and understood that more housing initiatives needed to be pursued, including through the national First Nations Market Housing Fund.

Membertou is currently building three styles of housing: slab on grade, small split entry, and large split entry; and homes in Membertou have come up quickly since this commitment from Chief Paul.

Beyond financing from the FNMHF, Membertou was able to secure financing through one of their approved lenders and does not require ministerial guarantee. Homes being financed through the FNMHF have higher housing costs than members were accustomed to paying before this initiative started, and which range from \$500 to \$650 depending on the size of the home. Membertou still subsidizes rental payments, however. Mortgages for this housing are all on Membertou's balance sheet, and members do not have to pay the full cost of the mortgage, with Membertou contributing up to \$600/month per house. The mortgage is for a 25-year period for these rent-to-own homes. A lease agreement is signed with Membertou as the owner of the home. Once the mortgage is paid, and there are no arrears, the member can apply for a CP. The rental agreement is no longer valid once the member has been granted a CP, and the member will take over insurance, maintenance, and repairs. By receiving a CP, the band member is given lawful possession of a tract of Membertou land. This is the highest form of ownership on reserve land, but there are differences from off-reserve land ownership related to transferring ownership (since a CP can only be transferred to another band member), using this land as collateral, as well as division of the property in the event of divorce (Alcantara, 2003).

Only a Membertou band member can hold a CP in Membertou, and, if willing to transfer, is limited to sell to another band member or to give the interest back to Membertou. It is up to chief and council to decide if they agree with the transfer and if they want to provide compensation to the transferor. This transfer must be registered in the First Nations Land Registry where all land interests are registered.

Some concerns have been raised among community members about higher housing payments, since members in more deeply subsidized housing are paying significantly less per month (CBC, 2013). However, many members on the community's housing list were interested in the FNMHF option and were willing to pay the higher cost, which remains more affordable than renting off-reserve in the surrounding Cape Breton Regional Municipality. For example, median monthly rent for a two-bedroom market unit in the municipality is currently \$795 (Canada Mortgage and Housing Corporation, 2021). Applicants for these FNMHF homes provide permission for an internal credit check to be done to ensure no arrears within any Membertou departments and income information to demonstrate ability to make monthly payments.

Overall, housing development via the FNMHF has been facilitated through Membertou's increased community economic development activity and governance initiatives, in different ways. Membertou has generated and captured revenue through increased business activities, securing financing, and subsidizing these mortgages as well as creating local employment opportunities for residents, which in turn allow them to pay higher housing costs. The community also has the authority to make its own laws around use, possession, and management through the Membertou Land Code, whereas the federal government once decided how to manage the land through the rules and regulations of the Indian Act.

In addition to housing built through the FNMHF initiative, rent-to-own homes with higher (also called market-based) monthly costs are also built through the On-Reserve Housing Program with

the same level of subsidy from Membertou and other conditions as in the FNMHF. The market-based housing application list has the lowest number of applicants waiting for a home, but with limited homes built under this program it has a long wait time. Wait time is usually a few years. These are allocated by chief and council based on member's needs.

A third housing initiative is the Home Purchase Program. Membertou started this as a pilot project in 2017 for members who were interested in building their own homes with a mortgage from the bank, independent of chief and council. This pilot turned into a permanent housing option for members. In May 2022, 11 homes have been completed through this program, four are under construction, and more applicants are waiting to start the process. The home purchase program is a turn-key type of initiative where a member can choose from three home styles with minor changes to the house plans allowed. Membertou builds the home, taking care of the construction, paying contractors, and inspections. When complete, Membertou sells the home to the member. The applicant must be employed, have good credit, be approved by a lender for a loan, and be eligible under other criteria required by the lender and Membertou. Membertou serves as the guarantor of the loan and will only guarantee up to a certain dollar figure. Anything above that amount requires the member to provide their own equity, meaning they would have to provide a down payment for the difference in the housing cost and the guarantee limit from Membertou. Membertou also provides a \$15,000 grant to the member to go towards the cost of their home. Membertou will provide a CP when the loan has been paid in full. This means that the home is still Membertou-owned until the buyer receives a CP.

The Home Purchase Program would not be considered affordable housing for all members. However, the mortgage payment may be less than what a member would pay off-reserve for an apartment and a financial contribution is provided by the band council. The mortgage payment is determined by the lender and is based on the cost of the home and current interest rates. No monthly subsidy is provided by Membertou, unlike for other housing programs.

Members may be permitted to build their own style of home outside of the Home Purchase, FNMHF, and other programs. The same process for mortgage approval featured in the Home Purchase Program is followed, with Membertou acting as the guarantor. However, the member is responsible for securing contractors and inspections, and a hundred percent-member equity is required, although Membertou will provide a serviced lot. A down payment is required if the home cost exceeds the Membertou guarantee limit.

Despite successful community economic development and the newer housing initiatives described above, more affordable housing options are still required. Different options are available for members, based on level of affordability and need. A distinct application process for this category of housing is for market-based housing in Membertou. Low-income housing is rent-to-own for members for whom the housing programs described earlier are unaffordable, but who are employed. The rents charged to members currently range from \$300 to \$450 depending on house size, due to a larger monthly subsidy provided by Membertou compared to other initiatives. The three styles of homes are also built for tenants on this housing list. Membertou finances the construction and mortgage subsidies, like some of the higher-cost, market-based homes through the On-Reserve Housing Program.

Social housing is for members who are on social assistance and not employed. The Social Department will cover the cost of the rent for eligible clients. Social housing is built using the CMHC Section 95 program and can also be built using the On-Reserve Housing Program funds. Canada Mortgage and Housing Corporation usually allocates funds for one to two homes per year to be built, which does not come close to meeting the number of members on social assistance needing housing. Once again, the three styles of homes are built for social homes, and these are rent-to-own with a CP issued to members once the mortgage is paid. Finally, temporary housing is for those looking for short-term or emergency housing including young adults looking for affordable housing and members moving back to the community who are in need of temporary housing while waiting for other options, such as new housing. Apartments and townhouses currently cost up to \$500 per month.

Housing, local employment, and training

The housing built and maintained in Membertou also generates community-based wealth through employment and training. For example, bids are taken from contractors in the community to build new housing. Contractors and sub-contractors for new housing are typically Membertou community members working as individual contractors, who own a business or who are hired as an apprentice or labourer. In addition to carpenters from the community, contracts are put out to tender for plumbing, electrical, heating systems, dry wall, and painting, and community members are selected from the bids that are submitted. By providing these and other employment opportunities, members can make a wage that gives them more housing options and contribute to the local economy.

Importantly, Membertou attempts to address gaps in local skills through programs to train members. In recent years, one project trained a concrete crew. An expert was hired to train the crew and they worked for a few years to construct sidewalks in the community. Since then, training has focused on foundations, drywall, and home repair. Participants are now qualified and skilled tradespeople available for new builds and repairs.

Membertou accesses outside funding agencies for skills development, work experience, and job creation. One is the Mi'kmaq Employment and Training Secretariat (METS), which administers funding from Service Canada to individual First Nations in Nova Scotia (METS, n.d.). This program is managed by Membertou's Native Employment Officer (NEO). Criteria need to be followed to qualify for each program offered. The funding is not for university courses and much of the funding is for trades at Nova Scotia Community College and other private institutions. Membertou also has partnerships with other institutions such as the Native Council of Nova Scotia, Mi'kmaq Economic Benefits Office, and even other First Nations to provide programs and training to its members, and many are related to construction and housing.

Membertou also has an apprenticeship program that provides support and job placement for members who register as an apprentice. In addition, Membertou has a Joint Registration agreement with the Nova Scotia Apprenticeship Agency. This allows Membertou to register apprentices and means the apprentice can work for Membertou or another employer without having to transfer their agreement every time they switch employers. The opportunity to work for several different employers allows an apprentice to gain a variety of skills (Nova Scotia Government, 2002). Many of the new housing contractors for carpentry, electrical, plumbing, heating, etc. will hire registered apprentices through the program and offer them skills and hours to work towards their red seal in their trade.

CONCLUSION

Housing for First Nations continues to be a crisis, with government programs having a long history of failing to meet housing needs and providing safe, good quality homes. In this case study, I have documented how Membertou First Nation is responding to the local housing crisis by using own-source funding to create a range of good quality homes for members. However, even with growth in the number of new housing units and tremendous success with its community economic development initiatives, home builds do not match community need. What is described here is thus a step in the right direction, but more work is required. The Federal Government of Canada needs to provide greater opportunities for on-reserve housing and a more positive future for First Nations communities across the country.

This case study of Membertou shows that providing home ownership opportunities works for my community and can free up the limited funding a First Nation receives for use for members who cannot finance their own homes. Home ownership may not work or be desired for every community, however, and it is key for First Nations to be innovative and seek out options that can provide more housing opportunities for their members.

In terms of replication, the development of a land code and the ability to take back control of sections of the Indian Act have been key to Membertou's housing and community economic development success. This was a long process, for which communities need to be prepared to invest time and resources. Other elements—notably strong community engagement and the building of partnerships with non-Indigenous businesses and organizations—are also important for communities considering following the same path as Membertou.

Beyond this, other First Nations can work to achieve greater community wealth and housing programs by, like Membertou, closely following community economic development principles, including identifying and using local assets to develop business opportunities; starting enterprises and services for local use, incorporating multiple objectives or bottom lines within economic development initiatives (such as the health and well-being of members, and not just job creation); capturing local wealth by fostering linkages across initiatives (such as the use of local tradespeople for housing construction); establishing more autonomous decision-making; and committing to educating and training of members (Enns, 2018).

Overall, though, this case study shows that Indigenous-led programming and decision-making, with adequate government support, is essential to address the housing crisis as experienced by Indigenous Peoples across Canada. Beyond the community level, the federal government, with its current goal of addressing affordable housing needs across Canada by 2030, must allow First Nations communities to be at the forefront of designing housing-related programs and plans, again with sustained and adequate resources as required, in order to ensure affordable and good-quality housing on-reserve.

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