

Comparison Table of Proposed Changes to the 2019 'Namgis Land Code

Subject	Proposed Changes to Land Code (the "Draft Land Code")	2019 Land Code (if applicable)
General	The Draft Land Code has less detail and procedure by design to provide optimal flexibility to First Nations and to provide a streamlined process that makes it easier for First Nations make land decisions, enact laws, etc. The "framework" design of the Draft Land Code requires 'Namgis to enact laws to fill in the details. For example, the Draft Land Code identifies the main features of an "Allotment" in 'Namgis Land but does not set out the procedure for applying for an Allotment, or the review and approval process. This approach gives 'Namgis more flexibility to change procedures if needed over the years, rather than having to amend the Land Code, which a far more involved process.	The 2019 Land Code is very detailed on both substance and procedure, which can be an obstacle to making decisions. If a procedure is no longer applicable, it is necessary to amend the Land Code to change the rule.
Meetings of Members – community input	'Namgis must hold a meeting of Members to receive community input before enacting a Land law in relation to the following: - a community plan or subdivision plan; - environmental assessment and protection; - the transfer and assignment of rights and Interests in 'Namgis Land; - family home and matrimonial interests on 'Namgis Land; - the rate and criteria for the payment of fees or rent for 'Namgis Land; - the rights and procedures on community expropriation. 'Namgis must a hold a meeting of Members to receive community input: - before making a decision concerning any development affecting a heritage site or an environmentally sensitive property; - respecting any other matter, Land law or class of law that Council, by resolution, declares is required.	'Namgis must hold a meeting of Members to receive community input before a proposed law is enacted except for laws enacted urgently.

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Member approval	Member approval by Members required for the following: - any master Land use plan; - any new grant or disposition of an Interest or Licence in 'Namgis Land exceeding a term of 15 years, except for Allotments of land, life estates and in relation to utilities; - any renewal of a grant or disposition of an Interest or Licence in 'Namgis Land that extends the original term beyond 15 years; - any grant or disposition of any non-renewable natural resources on 'NamgisLand exceeding a term of five (5) years; - any deletion of a heritage site; - any voluntary exchange of 'NamgisLand; and - any other matter, Land law or class of law that Council, by resolution, declares to be subject to this section.	Member approval by Members required for: - all proposed Land laws; - a lease granted by 'Namgis in community land with a term between of 16-49 years; - an easement, licence or permit granted by 'Namgis in community land with a term of 16 years or longer - a voluntary exchange of 'Namgis Land; - Any other matter that Council, by Resolution, declares to require community approval. - Amending the Land Code except minor amendments that do not change the substance of the Land Code.

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Non-Members	A non-Member may hold any Interest or Licence except for an Allotment of Land. A non-Member may hold a life estate in an Allotment of land.¹ Council approval is required before a non-Member is granted an Interest or Licence. Member approval is only required for a non-Member grant if the term of the Interest or Licence exceeds 15 years. Exception: community approval not required to grant a life estate to a non-Member regardless of term length.	A non-Member is not entitled to be granted a Certificate of Homeownership.
Granting Interests and Licences in an Allotment	An Allotment holder may grant a lease, easement, permit, licence or life estate in their Allotment. Any such grant must comply with a land use plan or zoning law. This right is subject to the rule that any grant that exceeds 15 years must be approved by Members, except for a grant of a life estate.	A Member holding a Certificate of Home Ownership is not entitled to grant an Interest or a Licence in their land.
Member ability to grant lease or easement to themselves	A Member holding an Allotment may grant a lease or easement to themselves. This allows a Member to qualify for home financing using a lease as security for the lender.	No provision.

¹ "Life Estate" means an Interest in an Allotment that gives the "life tenant" the temporary exclusive right to use and occupy a lot and home. When the life tenancy expires (e.g. the life tenant dies or some other condition is met, e.g. the life tenant permanently moves away), the right of possession of the lot and home transfers to a Member. There are a number of restrictions on life tenants, e.g. they cannot transfer their interest, they must preserve the lot and home in good condition. non-transferable Interest in an Allotment that grants an individual a right to use and occupy a specified home, structure, area or parcel of land, but such Interest is limited to or measured by the life of the individual holding it.

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Lands Management Advisory Committee	Specifies that the Lands Management Advisory Committee was established under the 2019 Land Code and will continue to operate according to its terms of reference.	Sets out the complete "terms of reference" for the Lands Management Advisory Committee, including the number of committee members, eligibility, appointment/election, term length, how a committee seat becomes vacant, duties of the chairperson.
Allotments of Land	Creates a new Interest in 'Namgis Land: an Allotment. An Allotment has the following features: ▪ Only Members can hold an Allotment, ▪ An Allotment-holder may grant Interests and Licences in their Allotment (subject to any restrictions imposed in a land use plan, zoning law, development law, and subject to the requirement for Member approval if grant over 15 years, and subject to Council approval if grant is to a non-Member), ▪ An Allotment-holder can transfer their Allotment through their estate to another Member. It will be necessary to enact an Allotment Law before Council begins granting Allotments to ensure there is sufficient detail about the rights and responsibilities of an Allotment-holder, and the necessary procedure is in place to review applications for Allotments.	Establishes an instrument called a "Certificate of Home Ownership" to evidence a Member's ownership of a home and Council's permission for the Member to have exclusive use and possession of the applicable parcel of land. This Certificate is not an interest in 'Namgis Land, which means Members holding a Certificate cannot grant a life estate in their lot, giving temporary security to non-Member spouses.