



Proposed Changes to the 'Namgis Land Code

Members Information Session
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- I work with First Nation governments across Canada on governance matters under the Indian Act, Land Codes and Final Agreements.
- I am working with 'Namgis on the proposed changes to the Land Code. I am also helping to update your Housing Policy.
- This work is funded by the First Nations Market Housing Fund, a not-for-profit trust that supports First Nations' governance building with a goal to increase homeownership on reserve.

What We'll Cover Today

- Why 'Namgis is proposing a new Land Code.
- What would change, and what would stay the same.
- Next Steps and staying involved.

Why Change the Land Code?

- Since Members approved the 'Namgis Land Code in 2019, gaps and challenges have been identified, e.g.
 - Very detailed and lengthy administrative processes that delay or prevent timely decisions,
 - the Land Code creates a residential land tenure for Members that raises legal questions and uncertainty.

How We Got Here

- Legal counsel and the Resource Centre advised rebuilding using the Resource Centre's "model" Land Code.
- After the LMAC's review, they recommended using the "model" Land Code as a starting point.
- The LMAC worked with the Resource Centre and legal counsel to adapt the Model Land Code to accommodate 'Namgis's needs and prepare a draft.
- LMAC recommended the new draft Land Code to Chief and Council and Council directed that the new Land Code be shared with Members for feedback.



The Big Picture: A Framework Land Code

- 2019 Land Code: One detailed document covering both the rules and the procedures.
- Proposed Land Code: a shorter framework that sets out the main rules that Council must work within.
- Details would be filled in through 'Namgis laws and policies.
- If changes to procedures and rules are needed in the future, a law or policy is easier to update/change than the Land Code itself.

The Main Proposed Changes

- The goal for the changes is:
 - (i) Clearer rules that are easier to use while ensuring Members are informed and involved in lands matters, and
 - (ii) Offering Members a more secure residential interest in land.
- Streamline how certain Land Laws are made, keeping Member engagement on key subjects.
- Focus Member votes on significant land decisions rather than administrative matters.
- Create a new interest in land called an “Allotment” for Members’ homes.

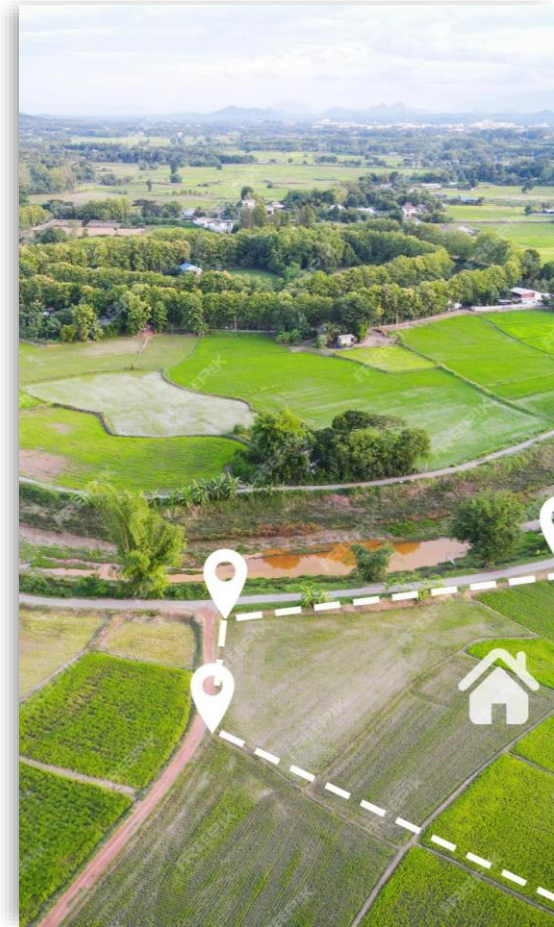
Current Rules: Certificates of Home Ownership

- Residential land tenure for Members issued by Council.
- Demonstrates ownership of the home and permission to use the lot.
- It is not an interest in 'Namgis Land, which limits its security and utility, e.g. a holder cannot grant a lease or life estate in the lot.



New Residential Interest: an Allotment

- A new type of interest in 'Namgis Land'.
- Granted to Members for residential use of reserve land.
- Only Members may hold an Allotment.
- Unlike a Certificate of Home Ownership, it is a real interest in the land providing the holder greater security.
- The detailed rules would come later, in an Allotment Law.



Allotment-holder Rights & Responsibilities

- Grant a lease, easement, permit, licence or life estate in their Allotment.
 - Including granting a “self lease” to support home financing.
- Pass the Allotment through their estate to another eligible Member.
- All land uses must comply with ‘Namgis Laws and land use plan.
- Member approval required before Allotment-holder can authorize a lease or licence with a term over 15 years.

What Is a Life Estate?

- A right to use and live in a home or on land for a set time, often for life.
- It can protect housing for a surviving spouse or family member.
- A non-Member may hold a life estate even though they cannot hold an Allotment.
- A life tenant cannot transfer their interest and must keep the home in good condition.
- Council approval is required to finalize a life estate to a non-Member.



How a Life Estate Works

- The Allotment holder names the “life tenant” and the “remainder-person(s)” in the grant.
- The “life tenant” may live in the home for their lifetime, or until a set event happens.
- The “remainder-person(s)” must be ‘Namgis Members eligible to hold an Allotment.
- When the Allotment-holder dies, the Allotment is legally transferred to the remainder-person, subject to the life estate.
- When the life estate ends, the right to live on the Allotment passes to the remainder-person.

Non-Members and 'Namgis Land

- Proposed rule: a non-Member cannot hold an Allotment. Mirrors the existing rule that a non-Member cannot receive a Certificate of Home Ownerships.
- A non-Member may hold a life estate in an Allotment.
- Council approval is required before any grant to a non-Member.
- Member approval only if the term is over 15 years — never for a life estate.

Community Input

Under the 2019 Land Code, Member input is required before any law is approved.

Under the new Land Code, **laws** related to the following cannot be approved without Member input:

- Community and subdivision plans; environmental assessment and protection;
- The transfer and assignment of rights and interests in 'Namgis Land;
- Family home and spousal/matrimonial interests;
- Establishing fees or rent to use 'Namgis Land;
- Expropriation of land by 'Namgis;
- Developing heritage or environmentally sensitive sites.

Current Rules: When Members Vote

- All proposed Land Laws;
- Leases of community land with terms of 16 to 49 years;
- Easements, licences or permits of 16 years or longer;
- Voluntary exchanges of 'Namgis Land;
- Amendments to the Land Code, other than minor amendments.



Proposed Rules: When Members Vote

- Any master land use plan;
- New interests or licences over 15 years, and renewals that extend past 15 years;
- Grants of non-renewable natural resources over five years;
- Deleting a heritage site, or any voluntary exchange of 'Namgis Land;
- Amending the Land Code;
- Anything else Council declares by resolution to require Member approval.

Next Steps – New Land Code

- Next Member Sessions: In-person sessions at 'Namgis:
 - October 15th at 5pm
 - October 25th at 10am
- Council reviews Member feedback received from three Member sessions before the final amendment package is prepared.
- Member vote on the new Land Code at the next AGM scheduled for November 7th and 8th.
- Approval threshold: 50% + 1 of eligible Members who cast a vote.

How to Stay Involved

- Materials available:
 - the new draft Land Code,
 - a Table comparing the changes between the 2019 Land Code and proposed Land Code, and
 - a Summary of Changes.
- Contact the 'Namgis Lands Department for copies or to ask a question later.

•QUESTIONS?

