



Lands Unit (Ohontsa'shón:'a Tkaiatkwe'niò:ke) Kahnawà:ke Land Allotment Policy

Policy Number: LDS-POL-001 Version Number: V 0.17 Supersedes: Land Allotment Policy of Kahnawà:ke	Policy Category: <input type="checkbox"/> Administrative <input type="checkbox"/> Operational <input checked="" type="checkbox"/> Public Services
Approved Date: YYYY-MM-DD	Policy Owner: Land Allotment Administrator, Lands Unit (Ohontsa'shón:'a Tkaiatkwe'niò:ke) Governing Body: Council of Chiefs (Kahnawa'kehró:non Ratitsénhaienhs)
Effective Date: YYYY-MM-DD	Policy Author: Shotehra Rice, Organizational Development Technician
Review Cycle: 36 months	Inquiries: Land Allotment Administrator, Lands Unit (Ohontsa'shón:'a Tkaiatkwe'niò:ke)
MCK Strategic Objective: MCK 2017/2018 to 2021/2022 Strategic Plan 3.4	

1.0 Context

Objective

- 1.1 The objective of this Policy is to provide the Mohawk Council of Kahnawà:ke (MCK) with a method to allocate common land to Kanien'kehá:ka of Kahnawà:ke.
- 1.2 An additional objective is to provide guidance and support to Kanien'kehá:ka of Kahnawà:ke throughout the land allotment process.

Principles

- 1.3 MCK is responsible to properly administer land on behalf of Kanien'kehá:ka of Kahnawà:ke.
- 1.4 MCK supports maintaining the balance between development and preservation for Kanien'kehá:ka of Kahnawà:ke, and future generations.

Accountability and Transparency

- 1.5 Land allotment methods shall be accessible to Kanien'kehá:ka of Kahnawà:ke to support accountability.
- 1.6 The communication of the land allotment process and community education supports transparency.
- 1.7 Transparency builds trust between the MCK and Kanien'kehá:ka of Kahnawà:ke.

Strategy

- 1.8 **3.4** is the Goal to ensure the provision of high-quality services based on the Community's evolving needs and priorities, and the objective to improve the internal integration between related services to improve the community's experience and to enhance efficiency. This Policy supports the goal and objective in the MCK Strategic Plan (2023-2029).



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke)

Kahnawà:ke Land Allotment Policy

2.0

Application:

- 2.1 This Policy shall apply to all Kanien'kehá:ka of Kahnawà:ke when submitting an application for a Common Land Allotment.

3.0

Policy:

Land Allotment Administrator

- 3.1 Kahnawà:kehró:non Ratitsénhaienhs (Council of Chiefs) delegate the following responsibilities and authority to the Land Allotment Administrator (Administrator) to administer and manage this Policy.
- 3.2 The Administrator shall:
- 3.2.1 Upon request, provide Kanien'kehá:ka of Kahnawà:ke with an application package.
 - 3.2.2 Determine an Applicant's eligibility and provide Preliminary Approval.
 - 3.2.3 Investigate Objections to a Common Land Allotment application.
 - 3.2.4 Determine if an application requires review and decision by the Land Management Committee (LMC) in consultation with the General Manager of Land Management (GMLM).
 - 3.2.5 In consultation with the General Manager of Land Management, develop or modify forms, as deemed necessary.
 - 3.2.6 Issue written letters to Applicant(s) throughout the Common Land Allotment process.
- 3.3 The Administrator shall also be responsible to:
- 3.3.1 Receive and verify information of all applications for a Common Land Allotment.
 - 3.3.2 Inform the GMLM of the need for additional land to be designated as Common Land Allotment(s).
 - 3.3.3 Identify and track amendments to this Policy, including the mandatory Policy review cycle.
 - 3.3.4 Maintain the Land Allotment Database.
 - 3.3.5 Prepare council meeting packages for Kahnawà:kehró:non Ratitsénhaienhs when the Common Land Allotment must be officially registered in the Kanien'kehá:ka of Kahnawà:ke's name.
- 3.4 If the Administrator is deemed to be in a Conflict of Interest linked to an Applicant, they must recuse themselves from the file, and the GMLM will temporarily assume the functions of the Administrator.
- 3.5 If the GMLM is also deemed to be in a Conflict of Interest linked to an Applicant, the Director of Lands will appoint an acting Administrator.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

Eligibility Requirements

- 3.6 To be eligible for a Common Land Allotment, an Applicant must meet all the following requirements:
- 3.6.1 Be eighteen (18) years or older;
 - 3.6.2 Be recognized on the Kahnawà:ke Kanien'kehá:ka Registry (KKR);
 - 3.6.3 Not possess a Suitable Land Parcel;
 - 3.6.4 Have resided in the Mohawk Territory of Kahnawà:ke (the Territory) for a period of one (1) year or more prior to the filing of the application;
 - 3.6.4.1 Where the Applicant(s) does not have continuous residency due to housing shortages, for schooling or to pursue employment opportunities, refer to statement 3.19 in "Proof of Eligibility" section.
 - 3.6.5 Sign a Solemn Affirmation that all the facts in their application are true.



Limitations to Eligibility

- 3.7 The Applicant(s) will be deemed ineligible by the Administrator for a Common Land Allotment if any of the following situations apply:
- 3.7.1 The Applicant has a Spouse that already possesses a Common Land Allotment or a Suitable Land Parcel.
 - 3.7.1.1 If the Applicant had a Spouse, they must provide proof of a Separation agreement or Divorce judgment to support that they do not possess a Common Land Allotment or other Suitable Land Parcel.
 - 3.7.2 The Applicant's Spouse has initiated an application for a separate Common Land Allotment at the same time.
 - 3.7.3 The Applicant(s) has previously and successfully applied for and obtained a Common Land Allotment, unless:
 - 3.7.3.1 All rights to a previous Common Land Allotment were relinquished via a Quit Claim as a result of Divorce or Separation; this exception can only be used once.
 - 3.7.4 The Applicant(s) has previously possessed a Suitable Land Parcel in Kahnawà:ke, unless:
 - 3.7.4.1 The Applicant possessed land as a result of a land transfer while younger than eighteen (18) years of age and subsequently transferred the land to another individual as an adult.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

- 3.7.5 A Suitable Land Parcel would be or would have been registered in the Applicant's name were it not temporarily transferred to the Mohawks of Kahnawà:ke, the Kahnawà:ke Tsi Ietsenhaitákhwa, another Kanien'kehá:ka of Kahnawà:ke for the purposes of a personal loan/guarantee, or the board of trustees of a financial institution as security pending full payment of a loan or mortgage.
- 3.7.6 If any Applicant's parents possess more land than required for their own residential purposes, unless:
- 3.7.6.1 The Applicant(s) demonstrates that their parent(s) refused to transfer land to them.
- 3.7.7 The Applicant is married to or in a Common-Law Relationship with an Iah Onkwehón:we Té:ken (*Non-Indigenous Person*) regardless of whether the spouse is considered an Approved Kahnawà:ke Resident under the Kahnawà:ke Residency Law, or its successor.
- 3.7.8 The Applicant intends to use a Common Land Allotment for business and/or commercial purposes. Applicants shall be prohibited from using Common Land Allotments for business and/or commercial purposes.

Application for a Common Land Allotment

- 3.8 To apply for a Common Land Allotment, Applicant(s) must contact the Administrator to request an application package.
- 3.9 Applicant(s) are responsible for completing the forms with the required information.
- 3.10 Once the *Common Land Allotment Application* (Appendix A) is completed, the Applicant(s) must schedule a meeting with the Administrator to:
- 3.10.1 Review the package.
- 3.10.2 Review the Common Land Allotment process.
- 3.10.3 Answer any questions.
- 3.10.4 Sign the Applicant's document(s) as "Witness".
- 3.10.5 Sign the *Acknowledgement of the Kahnawà:ke Land Allotment Policy* (Appendix B).
- 3.10.5.1 By signing Appendix B, the Applicant(s) understands that the sole purpose of the Common Land Allotment will be for the construction or placement of their Permanent Residence.
- 3.11 Walk-ins shall be accommodated on a case-by-case basis, depending on the availability of the Administrator.
- 3.12 Once complete, the Administrator will create a file for the Applicant(s) and begin the Common Land Allotment process.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niìò:ke) Kahnawà:ke Land Allotment Policy

Application with a Co-Applicant

3.13 Where the Applicant has a Spouse, cohabitates with a common-law partner, or shares a common living space with their current or previous intimate partner, the application must be filed together as Co-Applicants.

3.14 The following individuals are eligible Co-Applicants, and can complete applications as a Couple:

3.14.1 The Applicant's Spouse is on the KKR; or,

3.14.2 The Applicant's Spouse is a person with Onkwehón:we lineage with the required permit, as written in the Kanien'kehá:ka of Kahnawà:ke Law or Kahnawà:ke Residency Law or their respective successors.

3.15 If the Co-Applicant is an Approved Kahnawà:ke Resident, the Administrator or any other employee shall not register the Common Land Allotment in their name under any circumstance.

3.15.1 For greater clarity, an Approved Kahnawà:ke Resident cannot inherit the land in the Kanien'kehá:ka Territory of Kahnawà:ke.



Proof of Eligibility

3.16 The Applicant must demonstrate that they meet all the relevant eligibility criteria with supporting documentation.

3.17 The Administrator shall verify possession of a Suitable Land Parcel by verifying whether the Applicant has or had land registered in their name and whether the land meets the definition of a Suitable Land Parcel.

3.18 The Administrator will accept the following supporting documents as proof of eligibility:

3.18.1 An invoice from an energy, telephone service, or cable supplier with a date three (3) months or less from the application date;

3.18.2 A photocopy of a residential lease in its entirety;

3.18.3 A signed letter from the landlord of the dwelling in which the Applicant(s) currently resides, indicating how long the Applicant(s) has lived at the dwelling and attesting that the Applicant currently lives in Kahnawà:ke; or

3.18.4 Any other supporting documentation that the Administrator may specifically require to make an informed decision based on the Applicant's situation, if the previously listed documents are unavailable or insufficient.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

3.19 If the Applicant lived outside of Kahnawà:ke for purposes of employment or schooling, the Administrator shall accept the following as proof of eligibility:

3.19.1 Transcripts or other proof of enrollment from a recognized college, university, or educational institution.

3.19.2 Pay stubs from an employer for the previous month.

3.20 If the parents of the Applicant(s) possess more land than they require for residential purposes (i.e. another unused Suitable Land Parcel), the Applicant(s) must complete and sign a declaration form attesting that their parents are unwilling to transfer the Suitable Land Parcel in their possession.

Preliminary Approval of an Application

3.21 All Applicants must submit a completed *Common Land Allotment Application* (Appendix A) and follow the process for the Preliminary Approval of a Common Land Allotment.

3.22 The completed *Common Land Allotment Application* (Appendix A) will be reviewed by the Administrator to determine the Applicant's eligibility.

3.23 The Administrator shall issue a Preliminary Approval for a Common Land Allotment once they have confirmed that all the eligibility requirements have been met by the Applicant(s).

3.24 Once the Applicant is deemed eligible under this Policy, the Administrator will notify the Applicant in writing of their Preliminary Approval of their application within ten (10) business days of the decision and advise them of the next steps.

3.25 The Administrator shall revoke the Preliminary Approval at any time prior to the selection of the Common Land Allotment for any of the following reasons:

3.25.1 The Applicant or Co-Applicant has knowingly misled the Administrator or withheld pertinent information, which would otherwise affect their eligibility to receive a Common Land Allotment; or,

3.25.2 A change in the circumstances or status of the Applicant or Co-Applicant, which would affect their eligibility to receive a Common Land Allotment, as outlined in the "Changes in the Application" section.

Refusal of an Application

3.26 The Administrator will notify the Applicant(s) in writing of the refusal of their Application for a Common Land Allotment within ten (10) business days from the date of the decision, and will include:

3.26.1 The reason(s) for the refusal.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

3.26.2 Provide an opportunity to present clarifications, rectify any errors in the information on file and/or provide additional supporting documentation to the Administrator.

3.26.3 A statement explaining the appeals process as outlined in the Request for Review of a Decision section of this Policy.

Changes in the Application

3.27 Any change in the status of a relationship or any other information which could affect an application following Preliminary Approval, but prior to the Applicant's selection of a lot, will entail the complete reevaluation of the Applicant's file to ensure continued eligibility for a Common Land Allotment; if deemed ineligible at this stage, the Preliminary Approval will be rescinded by the Administrator.

3.28 If the Administrator becomes aware that the Applicant(s) has obtained land at any point prior to the construction of a House on a Common Land Allotment, the Administrator shall respond in writing within ten (10) business days to confirm the Applicant's ineligibility and rescind their Preliminary Approval.

Communal Posting

3.29 Following the Preliminary Approval of an application for a Common Land Allotment, the Administrator will make the application information public.

3.30 Kanien'kehá:ka of Kahnawà:ke will be notified by Communal Posting with a publication in local media of the following information:

- the name(s) of the Applicant(s);
- the names of the Applicants' parents, including maiden names;
- identify the Co-Applicant's Nation where they are not Kanien'kehá:ka of Kahnawà:ke; and,
- the marital status of the Applicant(s).

3.31 The Communal Posting will be posted publicly for thirty (30) calendar days prior to the community meeting scheduled to include Communal Land Allotment Request(s).

3.32 Following the Applicant's Communal Land Allotment Request at the community meeting, the Communal Posting will be publicly posted for an additional thirty (30) calendar days.

3.33 The Administrator shall accept Objections from Kanien'kehá:ka of Kahnawà:ke from the date of the initial Communal Posting.

Communal Land Allotment Request at a Community Meeting

3.34 Following the Preliminary Approval and Communal Posting, Applicants must make their communal request(s) at a scheduled community meeting.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niì:ke) Kahnawà:ke Land Allotment Policy

- 3.35 The Applicant must respond to any questions from Kanien'kehá:ka of Kahnawà:ke and/or Kahnawa'kehró:non Ratitsénhaienhs attending the community meeting.
- 3.35.1 The questions must be limited to eligibility criteria as stated in the *Objection Form To A Common Land Allotment Application* (Appendix C).
- 3.36 The Administrator will notify the Applicant in writing at least ten (10) business days prior to the community meeting of the time, date and location of the meeting and their required presence to make their Communal Land Allotment Request.
- 3.36.1 If an application has been made with a Co-Applicant, both Applicants must be present.
- 3.37 When an Applicant or Co-Applicant is unable to attend the community meeting, they must be represented by a Proxy.
- 3.37.1 The Applicant(s) is responsible to notify in writing the Administrator of their absence and outline the reasons for the absence at least two (2) business days before the community meeting.
- 3.37.2 The Administrator must approve the use of a Proxy.
- 3.37.3 The Administrator will inform the Portfolio Chief of the use of a Proxy prior to the community meeting.
- 3.38 If an Applicant is unable to attend the community meeting and fails to identify a Proxy, the Communal Land Allotment Request must be made at the next community meeting.
- 3.38.1 For the purposes of clarity, another Communal Posting will be required.
- 3.39 If the Applicant fails to attend two (2) consecutive community meetings to make their Communal Land Allotment Request and fails to identify a Proxy, the Administrator will mail a letter to the Applicant(s) within ten (10) business days of the second missed community meeting stating that their application is now null and void.
- 3.39.1 The Applicant(s) may reapply for a Common Land Allotment after a six (6) month suspension.
- 3.39.2 The date indicated in the Administrator's "null and void" letter shall be considered the start date for the six (6) month suspension.

Land Allotment Objections **Verbal Objections**

- 3.40 Verbal Objections must be made by a Kanien'kehá:ka of Kahnawà:ke to allow the Administrator to review the Objection.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

- 3.40.1 To be valid, an Objection must be related to the eligibility of an Applicant as set forth in this Policy.
- 3.41 Should a Kanien'kehá:ka of Kahnawà:ke phone the Administrator to make a verbal Objection, the Administrator shall take the call and subsequently arrange for the Kanien'kehá:ka of Kahnawà:ke to submit an *Objection Form to a Common Land Allotment* (Appendix C).
- 3.42 The nature of the verbal Objection shall be communicated to the Applicant(s); however, the identity of the Objector will be kept confidential, except when made during a community meeting where the Objector and nature of the Objection is made public.
- 3.43 Following a verbal Objection at a community meeting, the Portfolio Chief in attendance will obtain the Objector's name and contact information to allow the Administrator to contact the Objector to arrange for completion of an *Objection Form to a Common Land Allotment* (Appendix C).
- 3.43.1 The Portfolio Chief shall be responsible to inform Kanien'kehá:ka of Kahnawà:ke of the outcome of the Objection at the next community meeting.
- 3.44 Objectors will be verified as a Kanien'kehá:ka of Kahnawà:ke by the Office of the Kahnawà:ke Kanien'kehá:ka Registry.
- 3.45 The Administrator will investigate all Objections to ensure they are based on the eligibility requirements or the limitations to eligibility.
- 3.46 The Administrator will notify the Applicant(s) via registered mail within twenty (20) business days from receipt of a completed *Objection Form to a Common Land Allotment* (Appendix C), following a verbal Objection. The letter will include the following information:
- 3.46.1 The nature of the Objection received;
- 3.46.2 A statement that the application will be placed on hold for review and Investigation;
- 3.46.3 A statement that the Applicant(s) has ten (10) business days from the date of the registered letter to respond in writing to the Administrator regarding the nature of the Objection; and,
- 3.46.4 The Administrator may also request additional information from the Applicant(s) as deemed necessary to complete the Investigation.
- 3.47 The Administrator will inform both the Objector and the Applicant(s) in writing of the outcome of the Investigation within the twenty (20) business days unless the Administrator requires more time to complete the process of receiving more information, as outlined in statements 3.46.3 and 3.46.4.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

- 3.47.1 If the Administrator determines the substance of the Objection to be invalid, the Applicant(s) will continue in the application process.
- 3.47.2 If the Administrator determines the substance of the Objection to be valid and the Applicant(s) fails to provide the necessary proof contesting the Objection, the Applicant(s) shall be deemed ineligible for a Common Land Allotment.
- 3.47.2.1 If the basis for the ineligibility changes, the Applicant(s) may reapply for a Common Land Allotment after a six (6) month suspension.
- 3.47.2.2 The date indicated in the Administrator's "Investigation outcome" letter shall be considered the start date for the six (6) month suspension.

Written Objections

- 3.48 A Kanien'kehá:ka of Kahnawà:ke will have the option to submit a written Objection to the Administrator as soon as the initial Communal Posting is published.
- 3.48.1 To be valid, an Objection must be related to the eligibility of an Applicant(s) as set forth in this Policy.
- 3.49 The Objector's name shall remain confidential.
- 3.50 For greater clarity, a written Objection must be submitted by a Kanien'kehá:ka of Kahnawà:ke to the Administrator no later than thirty (30) days following the Communal Land Allotment Request(s) at a community meeting.
- 3.51 Written Objections must include the Objector's name, date of birth, mailing address, email address, telephone or cellular contact number, and the Objector's band number.
- 3.52 Objectors will be verified as a Kanien'kehá:ka of Kahnawà:ke by the Office of the Kahnawà:ke Kanien'kehá:ka Registry.
- 3.53 The Administrator will investigate all Objections to ensure they are based on the eligibility requirements or the limitations to eligibility.
- 3.54 The Administrator will notify the Applicant(s) via registered mail within twenty (20) business days from receipt of a written Objection. The letter will include the following information:
- 3.54.1 The nature of the Objection received;
- 3.54.2 A statement that the application will be placed on hold for review and Investigation;



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

3.54.3 A statement that the Applicant(s) has ten (10) business days from the date of the registered letter to respond in writing to the Administrator regarding the nature of the Objection; and

3.54.4 The Administrator may also request additional information from the Applicant(s) as deemed necessary to complete the Investigation.

3.55 The Administrator will inform both the Objector and the Applicant(s) in writing of the outcome of the Investigation within the twenty (20) business days unless the Administrator requires more time to complete the process of receiving more information, as outlined in statements 3.46.3 and 3.46.4.

3.55.1 If the Administrator determines the Objection to be invalid, the Applicant(s) will continue in the application process.

3.55.2 If the Administrator determines the Objection to be valid and the Applicant(s) fails to provide the necessary proof contesting the Objection, the Applicant(s) shall be deemed ineligible for a Common Land Allotment.

3.55.2.1 If the basis for the ineligibility changes, the Applicant(s) may reapply for a Common Land Allotment after a six (6) month suspension.

3.55.2.2 The date indicated in the Administrator's "Investigation outcome" letter shall be considered the start date for the six (6) month suspension.

3.56 If no Objections are received within thirty (30) days following the second Communal Posting, the Administrator will inform the Applicant(s) in writing that they have completed the application process for a Common Land Allotment and are now Approved for Selection.

Common Land Allotment Selection Requirements **Selection of a Common Land Allotment**

3.57 When the Applicant(s) is prepared to construct or place a House, they must inform the Administrator, provide written proof, identify the available Common Land Allotment, then sign the *Release and Waiver Form* (Appendix D) and Confirmation of Land Allotment (Appendix E).

3.58 The Administrator will accept the following documentation as proof that the Applicant(s) is prepared to build or buy their House:

3.58.1 A Kahnawà:ke Tsi Ietsenhàientákhwa housing loan approval letter; or

3.58.2 A mortgage/loan confirmation from the Caisse Populaire Kahnawake.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

3.59 If an Applicant(s) has Cash on Hand to build/relocate a House, the Applicant(s) shall provide the following three (3) documents to the Administrator as proof, as applicable:

3.59.1 A signed *Solemn Affirmation for Cash on Hand* (Appendix G) to confirm readiness to build or relocate a House as a Permanent Residence;

3.59.1.1 The Administrator shall rely on the advice of the Kahnawà:ke Tsi Ietsenhaintákhwa Housing Inspector to determine whether the Applicant(s) has enough Cash on Hand to cover the cost of construction, repair and/or relocation of the House.

3.59.2 If the Applicant(s) is obtaining or purchasing a previously owned Mobile Home/trailer or House to be relocated and placed on the selected Common Land Allotment, they must obtain an inspection report from the Kahnawà:ke Tsi Ietsenhaintákhwa Housing Inspector to determine the habitability of the House.

3.59.3 Proof of payment of the Inspection Fee, when placing on the selected lot an existing home that was located off the Territory.

Placement of a Permanent Residence

3.60 If the Mobile Home, trailer, or existing housing structure is located outside of the Territory, the costs associated with the inspection will include mileage, gas, meals, and any other related expense.

3.60.1 There shall be no costs associated with inspection if the Mobile Home, trailer, or existing housing structure is located within the Territory.

3.61 The Applicant(s) is responsible for paying the Inspection Fee issued by the Housing Inspector.

3.62 The Applicant(s) must provide a copy of the Inspection Fee receipt to the Administrator.

New Home Construction Using Cash on Hand

3.63 The Applicant(s) shall be responsible to ensure that the construction respects the minimum standards set out in the *Construction Standards and Other Regulatory Requirements* (Appendix H), where these standards are subject to change from time to time.

3.64 The Inspector will carry out a review of the certified construction drawings and building contracts to verify that they meet the standards outlined in the *Construction Standards and Other Regulatory Requirements* (Appendix H).

3.65 If the Applicant(s) is constructing a House using Cash on Hand, the construction of the House will be inspected throughout the various



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

construction phases by a Kahnawà:ke Tsi Ietsenhaitákhwa Housing Inspector (Inspector).

- 3.66 The inspection process shall include the verification of the preliminary housing plan and contract review and, if applicable, the submission of material and sub-contractor quotations.
- 3.67 Any cost associated with an inspection, such as the Inspection Fee, will be paid by the Applicant(s), where applicable.

Minimum Distance Between Residential Structures

- 3.68 The Applicant(s) shall ensure that their House is situated at a minimum distance of twenty (20) feet (6.096 meters) from any other House.
- 3.69 The Applicant(s) shall ensure a minimum distance of ten (10) feet (3.048 meters) from the property boundary in accordance with the *Acknowledgment of Boundaries and Public Infrastructure* (Appendix F).

Land Allotment Site Inspection

- 3.70 A Land Management Technician shall conduct a land allotment site inspection, whereby the Applicant(s) are required to be present throughout the inspection.
- 3.70.1 The Applicant(s) must sign the *Acknowledgement of Boundaries and Public Infrastructure* (Appendix F) Form provided by the Land Management Technician following the inspection of the lot that acknowledges the lot boundary lines, property pins, and location of infrastructure and utility poles.
- 3.70.2 The Land Management Technician will provide the signed *Acknowledgement of Boundaries and Public Infrastructure* (Appendix F) to the Administrator.
- 3.71 By signing the *Acknowledgement of Boundaries and Public Infrastructure Forms* (Appendix F), the Applicant(s) agree(s):
- 3.71.1 To receive the Common Land Allotment as is.
- 3.71.2 The MCK is thereby indemnified from any further activity on or liability toward the Common Land Allotment.
- 3.71.3 Subject to any applicable Laws, any clearing or landscaping of the Common Land Allotment is the sole responsibility of the Applicant(s), at their cost.
- 3.72 An Applicant(s) must select a Common Land Allotment in areas prepared and approved specifically for the construction or placement of a House by the Kahnawà:ke Tsi Ietsenhaitákhwa.
- 3.73 The Common Land Allotment selected will be documented in the Land Allotment Database under the name(s) of the person(s) listed on the application.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

3.73.1 Only Kanien'kehá:ka of Kahnawà:ke(s) are entitled to have land registered in their name.

Timeframes for Land Allotment Selection and Construction of a Permanent Residence

3.74 If the Applicant(s) has been approved but has not selected their lot within twelve (12) months from the date of the "Application Process Complete" letter, the Administrator will confirm the eligibility of the Applicant(s) for a Common Land Allotment under this Policy using the *Common Land Allotment Application Update Form* (Appendix I).

3.75 Once the Applicant(s) has selected a Common Land Allotment, they must construct or place a House on the lot and occupy the House within twelve (12) months from the date the *Confirmation of Land Allotment* (Appendix E) was signed.

3.76 If an incomplete structure is on the Common Land Allotment after the twelve (12) month timeframe, the Administrator will remind the Applicant(s) via registered mail that they must submit a written request to extend the twelve (12) month construction timeframe.

3.76.1 The request for extension shall be reviewed by the Administrator and approval to extend the construction timeframe shall be granted by the Administrator on a case-by-case basis.

3.76.2 The extension must not exceed twelve (12) months from the date of the original construction timeframe deadline.

3.76.3 The Applicant(s) can only make use of this extension once.

3.77 The Administrator will inform the Applicant(s) in writing of the decision regarding the request for an extension within ten (10) business days from reception of the request.

3.78 If an extension is not granted, the Common Land Allotment shall be revoked, and the Applicant(s) will be responsible to remove any existing structure(s) at their own expense; however:

3.78.1 The Kahnawà:ke Tsi letsenhaintákhwa could, upon formal request, agree to retain the structure and compensate the Applicant(s) for the incomplete structure or increase in value to the land, where applicable.

Removal of a Residential Structure After Construction When Timeframe Has Elapsed

3.79 The Applicant(s) shall be responsible for all removal costs of an incomplete structure within six (6) months from the date of the registered letter.

3.80 The Applicant(s) must remove the existing structure within six (6) months from date of the registered letter and cover the cost of any such removal.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

- 3.80.1 The Administrator shall extend the six (6) month timeframe during Winter months at their discretion.
- 3.81 If the Applicant(s) does not remove the incomplete structure from the revoked Common Land Allotment within the established timeframe, the Kahnawà:ke Tsi Ietsenhahentáhkwasa shall remove the incomplete structure and invoice the Applicant(s) for all costs.
- 3.82 Another Applicant(s) that has completed the application process shall have the option to purchase the incomplete structure directly from the previous Applicant(s) with the approval of the Administrator.

Revocation of a Common Land Allotment

- 3.83 The LMC has the authority to revoke a Common Land Allotment if:
- 3.83.1 The Common Land Allotment has been selected and there is no House or an incomplete House on the lot to occupy within twelve (12) months of receipt of the *Confirmation of Land Allotment* (Appendix E); if an extension has been granted, the additional time must have elapsed.
- 3.83.2 If any time before construction has begun, the Administrator learns that the Applicant(s) misled or provided false information on their application which affects the eligibility of the Applicant(s);
- 3.83.3 Any time before construction has begun, the Administrator learns that the Applicant's or Co-Applicant's benefits and entitlements have been suspended or revoked under the Kanien'kehá:ka of Kahnawà:ke Law or Kahnawà:ke Residency Law, or their respective successors; or
- 3.83.4 Any time before construction has begun, the Administrator learns that the Applicant(s) obtained a Suitable Land Parcel.
- 3.84 Prior to revocation, the Administrator shall inform the Applicant(s) in writing that they are at risk of revocation. The Applicant(s) will be provided with the opportunity to explain their situation. The Applicant(s) will have twenty (20) business days to respond.
- 3.85 Upon revocation, the Administrator will inform the Applicant(s) in writing that the Common Land Allotment will no longer be listed in their name in the Land Allotment Database.
- 3.86 The Administrator will make the revoked Common Land Allotment available for selection by another approved Applicant(s).
- 3.87 When a Common Land Allotment is revoked, the Applicant(s) shall be prohibited from reapplying for a Common Land Allotment at the discretion of the LMC, unless the Applicant(s) can demonstrate Unforeseen Personal Circumstances that prevented the construction, placement, or completion of a House.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

3.87.1 In such circumstances, an Applicant(s) shall be eligible to select a second Common Land Allotment six (6) months from the date of revocation. This exception may only be used once.

3.87.2 Where the Applicant's eligibility is maintained as a result of Unforeseen Personal Circumstances, the Administrator shall update the Applicant's file using the *Common Land Allotment Application Update Form* (Appendix I) to confirm continued eligibility.

Exceptional Circumstances

3.88 The Administrator and the GMLM shall determine an Exceptional Circumstance.

3.89 If the Administrator and the GMLM determine an Exceptional Circumstance exists, they must make a Request for Decision to the LMC to determine whether the Exceptional Circumstance justifies the suspension of a specific section or process step in this Policy.

3.89.1 The Applicant(s) will be provided with the opportunity to provide representations to the LMC pertaining to their application and circumstance. The Applicant(s) will have twenty (20) business to respond.

3.89.2 The LMC will render a decision regarding an Exceptional Circumstance.

3.90 An Exceptional Circumstance will be brought to Kahnawà:kehró:non Ratitsénhaienhs when:

3.90.1 It pertains to an Applicant's or Co-Applicant's recognition; or,

3.90.2 The LMC is unable to come to a Consensus decision; or,

3.90.3 It involves a contentious or political issue in the community; or,

3.90.4 The action required to rectify the Exceptional Circumstance is not reflected in the Policy.

3.91 The LMC shall exercise its authority to render one (1) of the following decisions:

3.91.1 A one-time suspension of the applicability of one (1) or more of the eligibility requirements or limitations to eligibility in order to rectify the unfair or inadvertent denial or approval of an application; or

3.91.2 Release the Applicant(s) from the obligation to provide certain proof of eligibility where the Applicant(s) has demonstrated that it is impossible for them to provide the required proof; or

3.91.3 Determine interpretation of this Policy to expand the eligibility requirements and limitations to eligibility to rectify the unfair or inadvertent denial or approval of an application.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

3.92 The Administrator will notify the Applicant(s) in writing within ten (10) business days from the date of the decision by the LMC or Kahnawa'kehró:nnon Ratitsénhaienhs.

3.92.1 If the LMC or Kahnawa'kehró:nnon Ratitsénhaienhs approves the request for the suspension of a specific section in this Policy, the Applicant(s) shall be informed they can proceed with the Common Land Allotment process.

3.92.2 If the request for the suspension of a specific section or process step in this Policy is denied by the LMC or Kahnawa'kehró:nnon Ratitsénhaienhs, the Applicant(s) shall be informed they cannot proceed with the Common Land Allotment process.

Official Registration of a Common Land Allotment

3.93 If possession of the Applicant's selected lot is withheld as security in exchange for a housing loan or similar program(s) offered by the MCK Housing Unit, possession of the lot will be transferred to the Applicant(s) only after the Applicant(s) has fully reimbursed their loan or mortgage as confirmed by the Administrator with a letter from the mortgage holder.

3.94 Once confirmed by the Administrator, a Mohawk Council Executive Directive (MCED) will be adopted officially allotting the land to the Applicant(s).

3.95 If the immediate allotment of the land is required in order to transfer possession to the board of trustees of the Caisse Populaire Kahnawake as security, the Kahnawa'kehró:nnon Ratitsénhaienhs will adopt an MCED officially allotting the land to the Applicant(s) for this purpose specifically.

3.95.1 Prior to the adoption of the MCED, the Applicant(s) must provide the Housing Inspector with copies of the house plans and contract.

3.95.2 The mortgage holder is responsible for transferring possession of the land back to the Applicant(s) once the mortgage is paid in full.

3.96 If a House is built or placed without a mortgage loan, the Kahnawa'kehró:nnon Ratitsénhaienhs will adopt an MCED officially allotting the Common Land Allotment to the Applicant(s), provided:

3.96.1 The Kahnawà:ke Tsi Ietsenhaienáhkwah Housing Inspector has deemed the House habitable; and,

3.96.2 The Applicant(s) can demonstrate that they have occupied the House within twelve (12) months of receipt of the *Confirmation of Land Allotment* (Appendix E).



Requests for Review of a Decision

3.97 An Applicant(s) who disagrees with a decision pertaining to Common Land Allotments must submit a "Request for Review Letter" within thirty (30) business days from receipt of the Administrator's written decision.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

- 3.98 The Applicant(s) must submit their “Request for Review” in the form of a letter addressed to the LMC, including the following information:
- 3.98.1 The date of the decision being disputed;
 - 3.98.2 A summary of the decision rendered by the Administrator that is in dispute;
 - 3.98.3 An explanation as to why the decision rendered by the Administrator is incorrect or should be overturned;
 - 3.98.4 The conclusions being sought by the Applicant(s);
 - 3.98.5 Copies of relevant supporting documents or other relevant information.
- 3.99 The review of the Administrator’s decision by the LMC will be conducted in conformity with the procedures set out in the LMC By-Laws.
- 3.100 If the Applicant(s) disagrees with the decision of the LMC, they must appeal the LMC’s decision within thirty (30) business days from receipt of the written decision to Communal Arbitration per the Kahnawà:ke Communal Arbitration Procedure, until such time as the Administrative Tribunal is operational.
- 3.100.1 The Applicant(s) appealing a decision made by the LMC must notify the Administrator in writing of their intent to appeal the decision within ten (10) business days from the date indicated in the LMC decision letter.
 - 3.100.2 The Administrator shall provide the Applicant(s) with a copy of the Kahnawà:ke Communal Arbitration Procedure, upon request.
- 3.101 The Administrator shall suspend the continuation of the application process, pending a decision by the LMC or communal arbitration, until such time as the Administrative Tribunal is operational.
- 3.102 The decision rendered through communal arbitration shall be final.

Amendments & Mandatory Review

- 3.103 The Policy shall undergo a mandatory review as identified in the Policy.
- 3.104 The Administrator will collaborate with the GMLM to conduct the mandatory review.
- 3.105 If an amendment(s) is required prior to the review period, the Administrator, in consultation with the GMLM, will submit a request to the Director of Lands to recommend an amendment, which must then be referred to the LMC for their approval.
- 3.106 Amendments to this Policy must be approved via MCEd by the Kahnawà:kehró:non Ratitsénhaienhs.



Lands Unit (Ohontsa'shòn:'a Tkaiatkwe'niiò:ke)

Kahnawà:ke Land Allotment Policy

3.107 Any appendices under this Policy shall be modified as necessary by the Administrator in consultation with the GMLM.

Transitional Provisions

3.108 Upon formal approval of this Policy by Kahnawà'kehró:non Ratitsénhaienhs, this Policy applies immediately to all new applications and ongoing applications under the former Policy.

3.109 All ongoing applications under the former Policy will proceed under this Policy at the equivalent stage.

4.0 Consequences:

4.1 If the Kahnawà:ke Land Allotment Policy is not consistently applied, Kanien'kehá:ka of Kahnawà:ke and MCK employees risk undermining the principles of proper administration of Kahnawà:ke lands and Territory.

5.0 Foundational Records and Documents:

5.1 The MCK Lands Unit mandate identifies a land management function for land allotment and land use planning. This policy supports this function.

6.0 Definitions Abbreviations & Acronyms:

- 6.1 **Administrative Tribunal:** The tribunal developed under the Kahnawà:ke Justice Act to review administrative decisions.
- 6.2 **Administrator:** The Land Allotment Administrator of the Ohontsa'shòn:'a Ronterihwatsterítha (Lands Unit) responsible for administering this Policy.
- 6.3 **Applicant:** A Kanien'kehá:ka of Kahnawà:ke or a Couple (also see Co-Applicant) who has/have made an application for a Common Land Allotment.
- 6.4 **Approved for Selection:** The Applicant(s) attained Preliminary Approval, both Communal Postings, Communal Land Allotment Request and, upon submission of requisite proof, may proceed to the Common Land Allotment selection process.
- 6.5 **Approved Kahnawà:ke Resident:** A person who has been authorized by the Registrar as meeting the criteria provided in the Kahnawà:ke Residency Law to be an 'Approved Kahnawà:ke Resident', provided the person's authorization has not been revoked.
- 6.6 **Cash on Hand:** Money (in the form of currency, coins, cheques, balances in bank accounts, money orders, bills of exchange or sums credited to an account) that is under the direct control of the Applicant and can be used immediately to build a House or place a mobile home.
- 6.7 **Co-Applicant:** A person who applies for a Common Land Allotment with another Applicant using the same application form.



Lands Unit (Ohontsa'shón:'a Tkaiaatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

- 6.8 **Common Land Allotment:** The allotment of common land (meaning land belonging to the Mohawks of Kahnawà:ke as a whole and not held by any individual lot-holder) that is an approved lot by the Kahnawà:ke Tsi letsenhaintákhwa and is available for selection to construct or place a House and/or Permanent Residence.
- 6.9 **Common-Law Relationship:** An intimate personal relationship, not solemnized by a legal marriage ceremony, law or custom, between two (2) people who have lived together for not less than one (1) year.
- 6.10 **Communal Land Allotment Request:** The process by which the Applicant(s) attends a community meeting to publicly request a Common Land Allotment and respond to any questions from attendees.
- 6.11 **Communal Posting:** A notice informing the Kahnawà:ke community of an Applicant's request for a Common Land Allotment. Postings are made by placing notices in several public locations in the community and through electronic and print media.
- 6.12 **Conflict of Interest:** A situation in which a person, such as a public official, an employee, or a professional, has a private or personal interest sufficient to appear to influence the objective exercise of his or her official duties.
- 6.13 **Consensus:** A decision reached by the Land Management Committee, representing those that support the decision and those of a differing opinion but who accept the position of the LMC as a whole.
- 6.14 **Couple:** Two (2) people who are married or in a Common-Law Relationship (see definition).
- 6.15 **Divorce:** A legal dissolution of marriage witnessed by certificate of divorce and divorce judgment issued by a court of competent jurisdiction.
- 6.16 **Exceptional Circumstance:** An unexpected or unforeseen situation where an Applicant is either denied or approved for a Common Land Allotment by the Administrator based on the application of this Policy, which has led to some unfair, unintended, or inadvertent consequence and which may warrant further review.
- 6.17 **Foundation:** The solid base of a House which is affixed into the earth and constructed from concrete or some other appropriate material. This includes a regular concrete foundation or slab.
- 6.18 **House:** A self-contained dwelling unit with or without a Foundation, at least one (1) bedroom, basic plumbing and electricity or alternate energy source and that is considered to be a Permanent Residence. A prefabricated or modular home that is assembled on a Foundation from fabricated, new sections transported for assembly and a Mobile Home or trailer are considered a House for the purposes of this Policy.
- 6.19 **Housing Inspector:** A qualified individual identified by the Kahnawà:ke Tsi letsenhaintákhwa to review and inspect the preliminary house plan,



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niiò:ke) Kahnawà:ke Land Allotment Policy

building contract, and construction of a House throughout the building process, as well as Mobile Homes/trailers.

- 6.20 **lah Onkwehón:we Té:ken:** A person who has no Kanien'kehá:ka Lineage or Onkwehón:we Lineage.
- 6.21 **Inspection Fee:** The fee, as established by the Social Development Unit Finance Sub-Committee, that must be paid by the Applicant paying Cash on Hand to have a Kahnawà:ke Tsi Ietsenhaientákhwa Housing Inspector inspect the placement or construction of a residence.
- 6.22 **Investigation:** The process whereby the Administrator verifies information provided in the application form and consults with the appropriate department(s) of the Kahnawà:ke Tsi Ietsenhaientákhwa or other organization(s).
- 6.23 **Kahnawà:ke Communal Arbitration Procedure:** The procedure to settle a dispute between two parties.
- 6.24 **Kahnawà:ke Tsi Ietsenhaientákhwa:** The Mohawk Council of Kahnawà:ke (MCK) which is comprised of Kahnawa'kehró:non Ratitsénhaienhs, including any Unit, Department, Commission, Committee, or person(s) mandated by the Mohawk Council of Kahnawà:ke.
- 6.25 **Kahnawa'kehró:non Ratitsénhaienhs:** The duly elected Chief & Council of the Mohawk Council of Kahnawà:ke.
- 6.26 **Kanien'kehá:ka of Kahnawà:ke:** A person verified and recognized as a Kanien'kehá:ka of Kahnawà:ke, according to the criteria and procedures in the Kanien'kehá:ka of Kahnawà:ke Law and the Regulations, provided the person's recognition has not been revoked.
- 6.27 **Land Allotment Database:** The book-keeping system maintained by the Administrator to track the issuance of Common Land Allotments to Kanien'kehá:ka of Kahnawà:ke.
- 6.28 **Land Management Committee:** MCR No. 68/1996-97 established the Committee with the mandate to "pursue a direction of managing and protecting lands". MCED #1/2016-2017 enacted the By-Laws that "formally establish its purpose, authority, powers and responsibilities".
- 6.29 **Land Management Technician:** An employee of the Kahnawà:ke Tsi Ietsenhaientákhwa responsible for site inspections of the land.
- 6.30 **Mobile Home:** A structure that is transportable in one or more articles, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. Also known as a manufactured home or a trailer.
- 6.31 **Mohawk Council Executive Directive:** A directive adopted by Kahnawa'kehró:non Ratitsénhaienhs of the Kahnawà:ke Tsi Ietsenhaientákhwa to authorize a decision or mandate.



Lands Unit (Ohontsa'shón:'a Tkaiatakwe'niò:ke) Kahnawà:ke Land Allotment Policy

- 6.32 **Non-Kanien'kehá:ka of Kahnawà:ke Resident:** Formerly known as Non-Member Resident. Means a person who has been confirmed to have permission to reside within the Mohawk Territory of Kahnawà:ke and to receive those privileges as provided in the Kanien'kehá:ka of Kahnawà:ke Law, the Kahnawà:ke Residency Law or their respective successors; provided the person's permission has not been suspended or revoked, and not including non-Indigenous persons married to a Kanien'kehá:ka of Kahnawà:ke prior to or after May 22, 1981. See also Approved Kahnawà:ke Resident.
- 6.33 **Objection:** The action taken by a Kanien'kehá:ka of Kahnawà:ke to formally protest an Applicant's request for a Common Land Allotment based on the eligibility criteria and limitations to eligibility set out in this Policy.
- 6.34 **Objector:** A Kanien'kehá:ka of Kahnawà:ke who protests or has made an Objection to an Applicant's request for a Common Land Allotment.
- 6.35 **Onkwehón:we:** A person of an Indigenous Nation of what is currently known as Canada and the continental United States of America, including the Inuit.
- 6.36 **Onkwehón:we Lineage:** Direct descent from at least four (4) great-grandparents who were or are recognized as Ahsén:nen Onkwehón:we lineage, verified by proof acceptable to the Registrar and, if necessary, by the Administrative Tribunal, the Court of Kahnawà:ke or the Kahnawà:ke Court of Appeal, as the case may be.
- 6.37 **Permanent Residence:** A dwelling used by a Kanien'kehá:ka of Kahnawà:ke as their primary residence, which is occupied by a Kanien'kehá:ka of Kahnawà:ke and, where applicable, their family.
- 6.38 **Policy:** Refers to the Kahnawà:ke Land Allotment Policy.
- 6.39 **Preliminary Approval:** A formal decision by the Administrator confirming that the Applicant meets the requisite eligibility criteria.
- 6.40 **Proxy:** A person who is designated by the Applicant to represent the Applicant at a community meeting for the purposes of making the Communal Land Allotment Request. The Proxy must be the age of majority and be recognized on the KKR.
- 6.41 **Quit Claim:** To relinquish, renounce or release any claim to real property.
- 6.42 **Release and Waiver Form:** A form that is signed by the Applicant(s) that releases the Kahnawà:ke Tsi Ietsenhaintákhwa of any liability to any claim, loss, action, or damages related, directly or indirectly, to the actual and post construction period of a House.
- 6.43 **Request for Decision:** A request brought to the Land Management Committee, or eventually Kahnawà:kehró:non Ratitsénhaienhs, to render a decision concerning an Exceptional Circumstance or other issue.



Lands Unit (Ohontsa'shón:'a Tkaiatkwe'niiò:ke) Kahnawà:ke Land Allotment Policy

- 6.44 **Request for Review:** An appeal of a decision to the Land Management Committee by an Applicant whose application was denied by the Administrator.
- 6.45 **Single:** A person who is unmarried or is not in a Common-Law Relationship.
- 6.46 **Separation:** The dissolution of a union between two (2) people. A separation agreement, negotiated, agreed to, and signed by both parties, will be accepted in the cases of the dissolution of a traditional marriage or a common-law union that may be accompanied by a Quit Claim. In all other cases, a separation judgment issued by a court of competent jurisdiction will be required.
- 6.47 **Solemn Affirmation:** A written statement of facts signed and declared to be true before a person with authority to commission or verify such statements, such as a Commissioner of Oaths.
- 6.48 **Spouse:** A husband or wife through marriage, a common-law partner, or the person with whom the Applicant is living in a marriage-like relationship.
- 6.49 **Suitable Land Parcel:** A piece of land (lot) in Kahnawà:ke with a House (or Houses) thereon. Also means a lot in Kahnawà:ke which is conducive for the construction or placement of a Permanent Residence and meets the following criteria: physical and legal access, free of undue hardship, reasonable access to appropriate infrastructure and utilities, sole possession of the lot (however, lot remains suitable if an undivided ½ interest is held by a Spouse/Co-Applicant), soil qualified for residential use, and size/shape/topography that can accommodate a House (or Houses). For the purposes of this Policy, any lot in Kahnawà:ke held by an Applicant's parent(s) which can only accommodate their existing Permanent Residence will not be deemed a Suitable Land Parcel. Furthermore, any lot in Kahnawà:ke containing buildings originally constructed for business and/or commercial purposes, shall not be deemed a Suitable Land Parcel.
- 6.49 **Unforeseen Personal Circumstance:** Unexpected change in one's state of financial, material, or physical welfare, such as the loss of a job, spouse/partner, or medical event.
- 6.50 **Winter:** Season timeframe of 1 December to 31 March, for the purposes of this Policy.

7.0 Forms & Templates:

- 7.1 Appendix A – Common Land Allotment Application
- 7.2 Appendix B – Acknowledgement of Kahnawà:ke Land Allotment Policy
- 7.3 Appendix C – Objection Form to a Common Land Allotment Application
- 7.4 Appendix D – Release and Waiver Form
- 7.5 Appendix E – Confirmation of Land Allotment
- 7.6 Appendix F – Acknowledgement of Boundaries and Public Infrastructure



Lands Unit (Ohontsa’shón:’a Tkaiatkwe’niì:ke)

Kahnawà:ke Land Allotment Policy

- 7.7 Appendix G – Solemn Affirmation for Cash on Hand
- 7.8 Appendix H – Construction Standards
- 7.9 Appendix I – Common Land Allotment Application Update Form
- 7.10 Declaration Form – Parent(s) Landholdings

**8.0
References:**

- 8.1 Kanien'kehá:ka of Kahnawà:ke Law
- 8.2 Kanien'kehá:ka of Kahnawà:ke Law Regulations
- 8.3 Kahnawà:ke Residency Law
- 8.4 MCK Lands Unit Mandate
- 8.5 Policy on Internal MCK Policies
- 8.6 Land Management Committee By-Laws
- 8.7 Kahnawà:ke Communal Arbitration Procedure

**9.0
Signatories**

Authority Signatures:

The signatures below signify that the content of this document has been reviewed for subject matter, policy and quality compliance and is hereby authorized by the authorities identified below.

*Executive
Operations Office*

Alan John Rice

Date: _____

Director of Lands

Veronica Leborgne

Date: _____



APPENDIX A

Kahnawà:ke Tsi Ietsenhaintákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

COMMON LAND ALLOTMENT APPLICATION

NOTE: All sections on this application form must be completed. Section 3 is completed where applicable. The completed application must be provided to the Land Allotment Administrator (LAA), preferably by appointment, at the Kahnawà:ke Tsi Ietsenhaintákhwa Lands Unit. All documents must be signed in the presence of the LAA.

1. APPLICANT INFORMATION

Full Legal Name: (Print clearly)
Address:
Date of Birth: (m-d-y) Band Number:
Telephone Number: (Home): (Work):
Email:

Please check one of the following boxes for your marital status (provide supporting documents):
Single Married Common-law Divorced Widowed Traditional

Full Legal Name of Applicant's Father including his band number:
Band Number:

Full Legal Name of Applicant's Mother including maiden name and band number:
Band Number:

Dependent children: I do have (number) dependent children. I do not have children.

I have lived in Kahnawà:ke for more than 1 (one) year: Yes No
(See "Proof of Eligibility" in the Kahnawà:ke Land Allotment Policy for document requirements)
If no, explain why:

Have you previously applied for a Common Land Allotment? Yes No

2. CO-APPLICANT INFORMATION

Full Legal Name: (Print clearly)
Address:
Date of Birth: (m-d-y) Band Number:
Telephone Number: (Home): (Work):
Email:

Please check one of the following about marital status of the Co-Applicant (provide supporting documents):
Single Married Common-law Divorced Widowed Traditional

Full Legal Name of co-applicant's Father including his band number:
Band Number:

Full Legal Name of co-applicant's Mother including maiden name and band number:
Band Number:

Co- applicant's dependent children: I do not have any children
I have (enter number) dependent children

I have lived in Kahnawà:ke more than 1 (one) year: Yes No
(See "Proof of Eligibility" the Kahnawà:ke Land Allotment Policy for document requirements)
If no, explain why:

Have you previously applied for a Common Land Allotment? Yes No



APPENDIX A

Kahnawà:ke Tsi Ietsenhaientákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

3. THIONKWEHONWEHSERÁ:TE (if applicable)

Full Legal Name: (Print clearly)
Address:
Date of Birth: (m-d-y) Band Number:
Telephone Number: (Home): (Work):
Email:

Please check one of the following about marital status of the spouse:
Single Married Common-law Divorced Widowed Traditional

What is the name of your Nation?

Have you included your recognition information (Status Card, Letter from Registrar or First Nations Representative) that states you are a member of your Nation's community? Yes No

If you checked no, this application will be deemed incomplete. Please explain

4. LAND INFORMATION

If you are both Members of Kahnawà:ke, you must both answer the following questions. If a Community Member is applying for a common land allotment with a Thiionkwehonwehserá:te, only the Member completes the following information.

1. Do you presently own land in Kahnawà:ke? Yes No

*If you answered YES, move to question 2
**If you answered NO, move to question 4

2. If you own land, what is the size of the property?

Is it suitable to build a house or place a mobile home? Yes No Unsure

3. Have you attached a signed declaration form attesting that your parents are unwilling to transfer the Suitable Land Parcel into your possession? (Co-Applicants must sign joint declaration form) Yes No

4. Do you agree that the sole purpose of a common land allotment is for the construction, relocation, or purchase of your primary residence, whether it is a House or Mobile Home? Yes No

5. I intend to construct/purchase (please check one): House Mobile Home
OR
I intend to relocate (please check one): House Mobile Home

6. I intend to finance the construction, relocation, or purchase by (please check one of the boxes below):
Mohawk Council of Kahnawà:ke Housing Loan
Caisse populaire Kahnawà:ke Loan/Mortgage
Cash-on-Hand



APPENDIX A

Kahnawà:ke Tsi Ietsenhaitákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

By signing the present application form, I/we understand and solemnly declare that this application has the same force and effect as one sworn under oath. I/we further authorize the Land Allotment Administrator to obtain any information required to verify the accuracy of the information that I/we provided herein from other departments of the Kahnawà:ke Tsi Ietsenhaitákhwa, other agencies or third parties. I/we further authorize other departments of the Kahnawà:ke Tsi Ietsenhaitákhwa, other agencies or third parties to provide the information requested by the Land Allotment Administrator. I/we understand that the information that I/we provided shall be deemed expired within twelve (12) months from the date of signature of this form at which time I/we may be required to update our information.

I/we confirm that all the information provided on this application is true and accurate.

Applicant's Signature

Date

Co-Applicant's Signature

Date

Land Allotment Administrator
Witness Signature

Date



ACKNOWLEDGEMENT OF KAHNAWÀ:KE LAND ALLOTMENT POLICY

Whereas I/we (Applicant Name) _____ with a
Band number of _____ and (if Co-Applicant Name) _____
with a Band number of _____ acknowledge that I/we have read and understood the
contents of the *Kahnawà:ke Land Allotment Policy*.

I/we agree to follow and be bound by the policies, obligations, and requirements to obtain a Common
Land Allotment in Kahnawà:ke, subject to the approval of my/our application.

Applicant Signature

Date

Co-Applicant Signature

Date

Land Allotment Administrator
Witness Signature

Date



OBJECTION FORM TO A COMMON LAND ALLOTMENT APPLICATION

Any objection submitted by Kanien'kehá:ka of Kahnawà:ke must relate to the eligibility criteria or limitations to eligibility for an Applicant as set out in the *Kahnawà:ke Land Allotment Policy*. Fill in the information in the areas that relate to your objection and check off the box.

1. Name of Applicant/Co-Applicants whose eligibility is being objected to:
 _____ and (Co-Applicant) _____.

2. Office of the Kahnawà:ke Kanien'kehá:ka Registry (OKKR) Objection

The Applicant does not meet the recognition criteria written in the *Kanien'kehá:ka of Kahnawà:ke Law*.

Please Explain: _____

3. Marital Status Objection

a) The Applicant has not truthfully stated their marital status.

Please Explain: _____

b) The Applicant is married to or living in common law with a person who is not on the Kahnawà:ke Kanien'kehá:ka Registry or an Approved Kahnawà:ke Resident with Onkwehón:we lineage or is a Iah Onkwehón:we Té:ken (including persons with acquired rights).

Please Explain: _____

4. Land Ownership Objection

a) The Applicant currently owns a Suitable Land Parcel that is conducive to building a house or placing a Mobile Home.

Please Explain: _____

b) The Applicant currently owns a House/Mobile Home.

Please Explain: _____



APPENDIX C

Kahnawà:ke Tsi Ietsenhaientákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

5. Normally Resident Objection

The Applicant has not lived in Kahnawà:ke for more than one (1) year.

Please Explain: _____

6. Other

Please Explain: _____

7. Objector Information:

Name of Objector: _____

Address: P.O. Box _____, Kahnawà:ke, J0L 1B0

Date Of Birth: _____

Phone/Cellular: _____

Email: _____

Signature of Objector Date

Land Allotment Administrator Date
Witness Signature



APPENDIX D

Kahnawà:ke Tsi Ietsenhaintákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

RELEASE AND WAIVER FORM

Whereas I/we (Applicant Name) _____ with a Band number of _____ and (if Co-Applicant Name) _____ with a Band number of _____ am/are being granted a Common Land Allotment in accordance with the Kahnawà:ke Land Allotment Policy for the purposes of constructing, relocating or purchasing a House or Mobile Home. I/we hereby grant a complete release and discharge to the Kahnawà:ke Tsi Ietsenhaintákhwa (Mohawk Council of Kahnawà:ke) in respect to any claim, loss, action, or damages related directly or indirectly to the construction or placement of a permanent residence on Reserve Lot _____, Block _____, on the Mohawk Territory of Kahnawà:ke.

For greater clarity, I/we hereby renounce any claim against the Kahnawà:ke Tsi Ietsenhaintákhwa, its agents, employees, directors, and Chiefs in respect to any injury, loss, damage or cost I/we may suffer or incur in connection with, directly or indirectly, the construction, relocation, or purchase of my/our House or Mobile Home.

Applicant Signature

Date

Co-Applicant Signature

Date

Land Allotment Administrator
Witness Signature

Date



APPENDIX E

Kahnawà:ke Tsi Ietsenhaientákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

CONFIRMATION OF LAND ALLOTMENT

As a condition to receiving this Confirmation of Land Allotment, the Applicant(s) hereby agree to regularly submit to housing inspections by a Kahnawà:ke Tsi Ietsenhaientákhwa housing inspector or a Caisse populaire Kahnawake Housing Inspector, as needed. The Applicant(s) also agrees to be bound by the terms set out in the *Kahnawà:ke Land Allotment Policy* (the Policy).

As a further condition to receiving this Confirmation, the Applicant(s) agrees and understands that the Permanent Residence must be constructed and occupied within twelve (12) months of the date of this confirmation, unless an extension is granted by the Land Allotment Administrator, failing which the Kahnawà:ke Tsi Ietsenhaientákhwa may unilaterally revoke the Common Land Allotment regardless of whether there are permanent structures or fixtures added to the lot in accordance with the Policy. The Applicant(s) agrees that the Kahnawà:ke Tsi Ietsenhaientákhwa shall be authorized to sell any incomplete structures; however, where the incomplete structures erected on the land are deemed uninhabitable, the Applicant must remove the existing structure within six (6) months of the reception of notice of such. Upon failure to remove the structure within the permitted timeframe, the Kahnawà:ke Tsi Ietsenhaientákhwa is authorized to remove the structures at the expense of the Applicant(s).

Finally, the Applicant(s) agree not to clear, alter, or otherwise disturb the Common Land Allotment until after the inspection and signing of Appendix F (*Acknowledgement of Boundaries and Public Infrastructure*). The cost of any damages that occur as a result of the Applicant(s)' actions will be paid by the Applicant(s).

Applicant Name: _____ Band No. _____

Co-Applicant Name: _____ Band No. _____

Address: P.O. Box _____, Mohawk Territory of Kahnawà:ke, J0L 1B0

This is to confirm that the above-mentioned person(s) has/have been issued the following:	
LOT NUMBER: _____	BLOCK: _____
<small>FOR USE BY THE LAND ALLOTMENT ADMINISTRATOR ONLY</small>	PLAN NO.: _____

Applicant Signature

Date

Co-Applicant Signature

Date

Land Allotment Administrator
Witness Signature

Date



Acknowledgment of Boundaries and Public Infrastructure

LOT IDENTIFICATION & INFORMATION		
Lot Number:	Block:	Number of Property Pins:

Whereas I/we (Applicant Name) _____ with a Band number of _____ and (if Co-Applicant Name) _____ with a Band number of _____ hereby accepts the land allotment (described above) on the following conditions:

- the Applicant agrees to ensure that their permanent residence is situated at a **minimum distance of twenty (20) feet (6.096 meters) from any other permanent residence and a minimum distance of ten (10) feet (3.048 meters) from the property boundary**, failing which the Applicant may compromise access to water/sewer services or be required to move the permanent residence in order to comply with the minimum standards;
- the Applicant agrees not to interfere with any common land bordering their lot, as may or may not be demarcated by pins, as well as any other public infrastructure or utilities (i.e. drainage ditch, hydro poles, guy wires, fire hydrants, etc.) on or adjacent to their lot; and
- the Applicant agrees not to interfere with the property pins (set out hereunder) delineating the boundaries of the lot and is responsible to inform the Lands Unit to arrange the replacement of the property pins at their own expense by a certified surveyor if they are removed or misplaced.

Pin Number	Found	Not Found	Reason Pin Not Found
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

Notes: _____

 Applicant Signature Date

 Co-Applicant Signature Date

 Land Management Technician Signature Date

 Land Management Technician Signature Date

<p style="text-align: center;">INTERNAL USE ONLY</p> <p>Inspection scheduled for:</p>
--



APPENDIX G

Kahnawà:ke Tsi Ietsenhaientákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

SOLEMN AFFIRMATION FOR CASH ON HAND

Completion of this Solemn Affirmation Form confirms that you are ready to build a permanent residence or place a mobile home or relocate an existing house, on a Common Land Allotment. This form is necessary in order for you to select a Common Land Allotment from the designated area.

Whereas I/we (Applicant Name) _____ with a Band number of _____ and (if Co-Applicant Name) _____ with a Band number of _____ and mailing address _____ in Kahnawà:ke, solemnly affirm that:

- I/we understand that this Solemn Affirmation shall act as written evidence that I/we currently possess the necessary funds (cash on hand) to construct my/our permanent residence or place a mobile home/existing house. I/we further affirm that these funds are intended solely for this purpose;
I/we understand that I/we will be required to work with the Kahnawà:ke Tsi Ietsenhaientákhwa (MCK) Housing Unit who will administer the entire construction management process of my/our new residence and I/we will sign and comply with all terms and conditions of the required Interim Contract Agreement;
I/we will be required to secure a contractor/sub-contractor to construct my/our home or place my/our mobile home/existing house on a lot;
I/we will be required to submit my/our complete set of House Plans and Building Contract to the Kahnawà:ke Tsi Ietsenhaientákhwa Housing Inspector for review and approval;
I/we understand that I/we will be required to submit the total building contract cost (cash on hand) to the Kahnawake Tsi Ietsenhaientákhwa (MCK) to be disbursed by the Housing Unit to the Contractor as per Guidelines;
I/we understand that the cost related to the administration and construction management of my/our new residence will be at my/our expense in the amount of \$700.00 (Plan/Building Contract Review & Inspections);
I/we understand that I/we will be required to pay the fees and the total building contract cost (cash on hand) at the head offices of the Kahnawà:ke Tsi Ietsenhaientákhwa prior to selecting a Common Land Allotment.

Approved Applicant Signature Date
Approved Co-Applicant Signature Date
Land Allotment Administrator Witness Signature Date
Commissioner of Oaths Signature Date

Appendix H – Construction Standards

CONSTRUCTION STANDARDS AND OTHER REGULATORY REQUIREMENTS

THE NATIONAL BUILDING CODE OF CANADA (Section 9) APPLIES IN KAHNAWÀ:KE AS AMENDED FROM TIME TO TIME BY THIS ANNEX “A”.

In a continuing effort to ensure new homeowners have quality homes constructed within the Mohawk Territory of Kahnawà:ke that are up to today’s current construction norms, components of the National Building Code of Canada (Section 9) and the Quebec Building Code have been selected by the MCK Housing Department to ensure acceptably higher standards are implemented rather than the minimum requirements.

In 2015 significant improvements have been made to the National Building Code pertaining to the building envelope and improving energy efficiency. It is essential to observe the changes as they are designed to better equip the home for this climate therefore it is necessary to obtain the complete sets of working drawings that are up to current code standards and follow them to maintain the optimum energy efficiency. Improving energy efficiency will help the home achieve long life span as well as make the home more comfortable. Energy efficient homes are easier to heat and cool for the homeowners as they live in the home year after year. Initial costs for constructing an energy efficient home is more expensive but does pay for itself over a short period.

It will also enable the Housing Program Inspector to carry out the inspection process by ensuring that agreed upon Plans and Building Contract specifications and details are met and adhered to as well as quality building practices and standards are carried out.

FOUNDATION

(Delivery Ticket to be provided for each pour of concrete)

- Footing to be constructed using 20 mpa (3000 psi); without air if more than 4ft from grade, and with air if less than 4ft.
- 3 rows of r-bar/rods (1/2”) are required in the footing
- Installation of a proper keyway in the footing is required. Size of keyway should be 1-1/2” wide X 1-1/2” deep (NOT SCRATCHED OUT).
- French drain to be perforated plastic pipes with filter sleeve to be installed around entire perimeter of the footing, covered with 3/4” clean crushed gravel, emptying into basement sump pit. (Must not be discharged into the Centralized Sewer System).
- Concrete walls to be constructed using minimum 25 mpa (3,626 psi) with air, but 30 mpa (4,350 psi) with air is being recommended. Thickness as per CMHC standard (min. 8” thickness). Install 2 rows of rebars (1/2” dia.) at both bottom and top of foundation wall. Install 2 rows of rebars (1/2” dia.) diagonally at opposite corner of window openings.
- Exterior wall, damp-proofing material (tar) below grade or waterproof membrane which is optional, cement finish (parging) above grade, which is optional.

Interior wall, asphalt paper layer, 2x4 stud framing @ 24” o.c., 3” insulation panels, vapour barrier, 1/2” gypsum board. (R -17).

- Concrete for floor slab to be minimum 25 mpa (3,626 psi) with air, but 30 mpa (4,350 psi) with air is being recommended. It should be 4” thick minimum sitting on top of the footing, over 6 mil polyethylene vapor barrier over 2” rigid foam insulation placed at 36” around the perimeter over 0-3/4” (12” thick) clean gravel.
- Flooring for finished basement above the slab 1/2” plywood on top of 1”x3” nailer placed at 16” o.c.
- 2X4 embedded nailer (treated wood) on top of concrete wall. Anchor bolts and sill seal is required before placing floor.
- Ensure that the sump pit is installed a minimum of six feet (6’) away from the electrical entrance box.
- Seal sump pit with plywood/Styrofoam cover.
- The sump pump must be installed with a permanent discharge exiting to the exterior of the house.
- Main beam:
 - Main beam pocket should be prepared properly by using the appropriate material under the main beam (ie: sill seal, felt paper, treated wood) to protect the main beam from concrete moisture.
 - Main beam pocket should maintain a 1/2” air space around the main beam.
 - 4 ply 2X10 built up wood or steel girder.
 - In cases where span is longer than 10’, a pre-engineered laminated wood beam will be used for the entire distance.
 - I beams (all engineered products must be installed exactly to manufacturer’s specifications ie: Strength must not be compromised by cutting through flanges, etc.).
- Basement steel support columns (ie: jack posts) to span 10’ only. Jack posts should be sitting on concrete footings/pads at 24”X24”X10” and should be set on a protective moisture barrier (ie: sill seal).

Appendix H – Construction Standards

EXTERIOR WALLS (R24.5)

- Exterior finish (siding), 1x3 nailers @ 16" o.c. air barrier (taped), 1.5" SONOCLIMATE panels (R-4), 2X6 wall framing, @ 16" o.c. mineral wool R-20, vapour barrier, 1x3 nailer @ 16" o.c. ½" gypsum board (R-0.45).
- Exterior wall finishing to be 20 year minimum lifespan:
 - Vinyl siding;
 - Color Lok siding;
 - OSB/Aspenite;
 - Smart siding;
 - Brick and/or stone.

INSULATION

- CMHC approved or better.
- Attic insulation to be R-40 minimum (pink insulation or blown in cellulous with vapor barrier taped at joints)
- Wall insulation to be R-24 minimum (pink insulation covered with vapor barrier taped at joints)

INTERIOR WALLS/CEILING

- Interior wall studs to be 2X4 on 16" o/c.
- Ceiling laths to be 1X3 on 16" o/c.
- Finished walls and ceiling to be fireproof material (1/2" gyproc). Bathroom to be water proof 1/2" gyproc or equivalent.
- Walls and ceiling to receive 3 coats plaster and sanded.
- Walls and ceiling to receive one coat primer and two finished coats of paint.

ROOF (R41)

Must be protected with appropriate application of roofing material which includes metal flashing for all valleys, pipes (perforations) and seams are to be installed according to manufacturer's recommendation or best building/construction practices.

Roof to be installed to shed rain effectively and prevent potential formation of ice dam.

Proper roof overhang is specified for construction in this climate specifically and will be observed.

- Roofs truss design will be in accordance with manufacturer's specifications, exactly and according to the set of working drawings provided for construction of that particular home and not changed by a carpenter/contractor or without the approval from the Housing Department.
- Application of finishing materials for **shingled roof** will be according to the specifications and installation methodology provided by the manufacturer that are specifically designed to be built in this climate (region) i.e. slope/pitch. For example: 5/8" plywood, 3' RUBBERIZED membrane front and back beginning at the inside face of the top plate, and including the overhang, 15lb. black paper for the remainder, then minimum 25 years shingles (maintain a minimum of ½" uniform shingle overhang).
- Application of finishing materials for a **Metal roof** will be according to the manufacturer's specifications and the working drawings that are specifically designed to be built in this climate (region) i.e. slope/pitch. For example: 5/8" plywood, minimum 1X3 horizontal laths, metal roofing material including snow guards to be installed at appropriate locations of the roof.
- Use of ridge vent, passive turbine and/or gable end vent for balanced ventilation for the attic space using 1:300 ratio.
- Access trap door to the attic area is to be located in an area of easy accessibility. Trap door should be insulated using R-40 or rigid insulation glued with mineral wool on top.
- In order to avoid roof truss uplift, no screws should be used in gyproc on the center line of the trusses (ie: hallways).
- Rain gutters and downspouts to be installed to extend 10' sloping away from the house.

WINDOWS & EXTERIOR DOORS

- Windows to be energy efficient with Low E argon gas.
- Doors to be 4 seasons steel insulated or wood/aluminum doors.

Appendix H – Construction Standards

PLUMBING

- All plumbing to be CMHC approved and/or National Building Code – Section 9.
- Plumbing to be according to Blue Prints/house plans.
- Main water valve to be “ball lever type” shut off.
- Sewer exit pipe to include metal check valve at end of line for centralized systems only (NOT APPLICABLE IN RURAL AREAS).
- Well and septic disposal system installations must conform to the MCK’s “Water and Sanitation Quality Regulations”. The Contractor is responsible to connect the sewer pipe from homes located in the rural areas of Kahnawake to the pipe going into the septic tank. This connection must be made with a water tight adapter between the two pipes.
- Plumber must not compromise the strength of the floor structure (ie: must not cut through the flange)

ELECTRICAL

- Canadian Electric Code and/or National Building Code – Section 9.
- Electrical to be according to Blue Prints/house plans.
- At least one smoke detector located in main hallway near bedrooms and must be electrically connected.
- G.F.C.I. (Ground Fault Circuit Interrupter) to be included in the bathroom(s) and kitchen areas near sinks.
- Electrician must clearly identify in permanent ink what each breaker controls in the panel.
- Electrician must not compromise the strength of the floor structure (ie: must not cut through the flange).

HEATING/COOLING SYSTEM

- Choice of electric or furnace/heat pump. Must meet C.S.A. and/or National Building Code – Section 9.
- Air conditioning – optional.
- Chimney should be insulated stainless steel chimney flue with rain cap (pre-fabricated for fireplaces, fuel fired furnace and wood stove installed by Certified Company). Details of the equipment should be provided to Housing Department prior to installation.

VENTILATION

- An Air Exchanger with heat recovery ventilator (HRV) must be installed to avoid excess moisture problems. Drainage pipe should drain into the sump pit cover and properly sealed or into the nearest plumbing drain.
- Bathroom vent fans are required and must be installed exiting the gable end of the home when 12’ or less. If distance is 12’ or more, the vent should exit through the roof and NOT the Soffits. The type of vent should be appropriate for the type of roof being installed.
- Bathroom exhaust fan should be sized to approximately 2 CFM per the square footage of the bathroom. Example: If the bathroom dimensions are 8’X5’ or 40 sq. ft., the vent fan should be for a 80 CFM. Sound level of the fan should be less than -1.5 sones.
- Bathroom exhaust fan should operate from it’s own light switch.
- Clothes dryer exhaust system must be aluminum and venting to the exterior.

KITCHEN CABINETS

- Includes standard cabinets with counter top with kitchen sink and formed taps.

FLOORING

- Choice of finished floor covering.
- If choosing ceramic floor tiles, it is recommend that screws be properly secured at every 4” and staggered at edges in order to eliminate any movement which could result in cracking.
- Appropriate floor transitions required where necessary.

PORCHES

- All exterior entrance ways must have an appropriate porch constructed for safety reasons (ex. Front, back and/or side). Safety provisions will be provided as to eliminate possibility of children climbing falling or becoming otherwise trapped, to provide adequate protection, it is recommended that a distance between all vertical balusters not exceed 4” o.c.
- All porches should have properly built steps and hand railings. Height of hand railings to be appropriate as well as strong enough to provide the adequate amount of support and guidance to arrest falls and be of a material that is continuous and graspable. Handrails are to be attached appropriately as to provide strength for the user.
- Concrete step risers should be 7” - 7-3/4” and threads should be 10” – 12”.

Appendix H – Construction Standards

INTERIOR STAIRS

- Staircase to basement must have a vertical headroom clearance of 6'8" minimum.
- Wooden step risers should be 7" – 7-3/4" and threads to be 9" cut out minimum.
- Interior graspable hand railing(s) are required for safety precautions.
-

MISCELLANEOUS

- New Housing Inspection (Pre-Construction) must be carried out by Technical Services.
- Soil test is recommended in any areas recently landfilled at homeowner's expense.
- Additional backfill material if required is the homeowner's responsibility. Contractor is only responsible for backfilling with the available earth on site.



APPENDIX I

Kahnawà:ke Tsi Ietsenhaientákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

COMMON LAND ALLOTMENT APPLICATION UPDATE FORM

All sections on this application form must be completed. Section 3 is completed where applicable. The completed application must be provided to the Land Allotment Administrator (LAA), preferably by appointment, at the Kahnawà:ke Tsi Ietsenhaientákhwa Lands Unit. All documents must be signed in the presence of the LAA.

1. APPLICANT INFORMATION

Full Legal Name: (Print clearly)
Address:
Date of Birth: (m-d-y) Band Number:
Telephone Number: (Home): (Work):
Email:

Please check one of the following boxes for your marital status (provide supporting documents):

- Single Married Common-law Divorced Widowed Traditional

Dependent children: I do have (number) dependent children. I do not have children.

I have lived in Kahnawà:ke for more than 1 (one) year: Yes No

(See "Proof of Eligibility" in the Kahnawà:ke Land Allotment Policy for document requirements)

If no, explain why:

Have you previously applied for a Common Land Allotment? Yes No

2. CO-APPLICANT INFORMATION

Full Legal Name: (Print clearly)
Address:
Date of Birth: (m-d-y) Band Number:
Telephone Number: (Home): (Work):
Email:

Please check one of the following about marital status of the Co-Applicant (provide supporting documents):

- Single Married Common-law Divorced Widowed Traditional

Co-Applicant's dependent children: I do not have any children
I have (enter number) dependent children

I have lived in Kahnawà:ke more than 1 (one) year: Yes No

(See "Proof of Eligibility" in the Kahnawà:ke Land Allotment Policy for document requirements)

If no, explain why:

Have you previously applied for a Common Land Allotment? Yes No



APPENDIX I

Kahnawà:ke Tsi Ietsenhaientákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

3. THIONKWEHONWEHSERÁ:TE (if applicable)

Full Legal Name: (Print clearly) _____

Address: _____

Date of Birth: (m-d-y) _____ Band Number: _____

Telephone Number: (Home): _____ (Work): _____

Email: _____

Please check one of the following about marital status of the spouse:

Single Married Common-law Divorced Widowed Traditional

What is the name of your Nation? _____

Have you included your recognition information (Status Card, Letter from Registrar or First Nations Representative) that states you are a member of your Nation's community? Yes No

If you checked no, this application will be deemed incomplete. Please explain _____

4. LAND INFORMATION

If you are both Members of Kahnawà:ke, you must both answer the following questions. If a Community Member is applying for a common land allotment with a Thiionkwehonwehserá:te, only the Member completes the following information.

1. Do you presently own land in Kahnawà:ke? Yes No

*If you answered YES, move to question 2

**If you answered NO, move to question 4

2. If you own land, what is the size of the property? _____

Is it suitable to build a house or place a mobile home? Yes No Unsure

3. Have you attached a signed declaration form attesting that your parents are unwilling to transfer the Suitable Land Parcel into your possession? (Co-Applicants will need to submit two (2) declaration forms) Yes No

4. Do you agree that the sole purpose of a common land allotment is for the construction of your primary residence, whether it is a house or mobile home?
 Yes No

5. I intend to build (please check one): House Mobile Home

6. I intend to finance construction or transport by (please check one of the boxes below):

- Mohawk Council Housing Loan
 Caisse populaire Kahnawà:ke loan/mortgage
 Cash-on-Hand



APPENDIX I

Kahnawà:ke Tsi Ietsenhaitákhwa
Kahnawà:ke Lands Unit
P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0
Tel: 450-638-8244

By signing the present application form, I/we understand and solemnly declare that this application has the same force and effect as one sworn under oath. I/we further authorize the Land Allotment Administrator to obtain any information required to verify the accuracy of the information that I/we provided herein from other departments of the Kahnawà:ke Tsi Ietsenhaitákhwa, other agencies or third parties. I/we further authorize other departments of the Kahnawà:ke Tsi Ietsenhaitákhwa, other agencies or third parties to provide the information requested by the Land Allotment Administrator. I/we understand that the information that I/we provided shall be deemed expired within twelve (12) months from the date of signature of this form at which time I/we may be required to update our information.

I/we confirm that all the information provided on this application is true and accurate.

_____ Applicant's Signature	_____ Date
_____ Co-Applicant's Signature	_____ Date
_____ Land Allotment Administrator Witness Signature	_____ Date



Declaration Form – Parent(s) Landholdings

Kahnawà:ke Tsi Ietsenhaientákhwa

Kahnawà:ke Lands Unit

P.O. Box 720, Mohawk Territory of Kahnawà:ke, J0L 1B0

Tel: 450-638-8244

Applicant Name: _____ Band Number: _____

Co-Applicant Name: _____ Band Number: _____

DECLARATION

1. I/we certify that the information I have provided on this declaration form I/we have submitted to be true and accurate.
2. I/we understand and agree that any false or misleading information will make me/us ineligible for a Common Land Allotment.
3. I/we certify that my/our parent(s) possess more land than they require for residential purposes (i.e. another unused Suitable Land Parcel).
4. I/we certify that my/our parents are unwilling to transfer the Suitable Land Parcel(s) into my/our possession.

_____ Applicant Signature	_____ Date
_____ Co-Applicant Signature	_____ Date
_____ Land Allotment Administrator Witness Signature	_____ Date