

LEGISLATIVE RETURN



SUBMITTED BY: Hon. Ranj Pillai, Minister responsible for the Yukon Housing Corporation

1. On October 31, 2023. Yvonne Clarke, Member for Porter Creek Centre
 - asked the following question during the Oral Question Period at page(s) 4237 of *Hansard*
 - submitted the following written question – WQ No. #
 - gave notice of the following motion for the production of papers – MPP No. #

RE: Northern Community Land Trust

OR

2. This legislative return relates to a matter outstanding from discussion with Yvonne Clarke, Member for Porter Creek Centre on October 31, 2023 related to:
 - Bill No. # 211 Second Reading Third Reading
 - Committee of the Whole: Vote 18 Yukon Housing Corporation
 - Motion No. # RE: Northern Community Land Trust
 - at page(s) 4237 of *Hansard*.

The response is as follows:

1. Yukon Housing Corporation is continuing to support The Northern Community Land Trust Society (NCLTS) to advance their project to deliver affordable homeownership units for Yukoners. It is working with the Departments of Energy, Mines and Resources, Community Services and Justice regarding the mechanics of a potential land transfer.

We are working with the Department of Justice specifically to attempt to create a model whereby housing can be sold to owners at below-market price and where resale prices can be held to no more than the original price plus inflation. This is challenging, if not impossible, under our current legislative regime. In order to achieve this goal, legislative amendments may be required.

2. We must be clear that the word “trust” regards a legal entity and concept that has no function in this project, other than as part of the Northern Community Land Trust Society name. No part of this proposed project involves a trust of any sort in any way, shape or form.

The Government of Yukon can transfer land ownership to the society, but no part of the proposed project has anything to do with a trust.

3. If model can be created whereby the government is comfortable that the housing can be sold at affordable prices and that resale prices can be held at the original price plus inflation for 20 years after the original sale, then the land can be transferred, subject to documentation that can enforce the model.
4. With the legislation currently in place, it is not clear that the Northern Community Land Trust Society, the Government of Yukon or any entity can restrict the resale price of housing, as such price restrictions violate certain principles of law. We are not comfortable that, under our current legislation, that restrictive covenants are enforceable. We are working with the Department of Justice to determine how this obstacle may be overcome. It is likely that legislative changes are required.
5.
 - a. We are working with the Department of Justice to determine what is necessary to make certain that, for a 20-year period after the original purchase, an owner of a home purchased at a below-market price cannot sell at a price higher than original purchase price plus inflation.
 - b. Neither the *Condominium Act, 2015* nor the *Land Titles Act, 2015* disallow this project. The question is whether the existing legislation provides sufficient protection to keep units affordable over time. Our current assessment is that it does not. The Government of Yukon supports the

November 22, 2023

Date

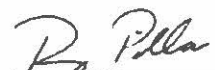

Signature

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Northern Community Land Trust Society's goal of making affordable housing more accessible to Yukoners.

November 22, 2023

Date



Signature