



## Disaster Assistance Policy

### 1. Statement of Policy

The Government of the Northwest Territories may provide financial assistance when the costs of a disaster exceed what eligible recipients could reasonably be expected to provide for on their own.

### 2. Principles

The Government of the Northwest Territories will adhere to the following principles when implementing this Policy:

- 1) Individuals, small businesses, non-profit organizations, communities, and all levels of government are responsible for taking reasonable action to prevent and minimize damage resulting from a disaster.
- 2) Assistance should be provided fairly and equitably in a consistent and financially sustainable manner as quickly as possible to assist essential services and infrastructure to be restored and to enable recovery.
- 3) The provision of the Disaster Assistance Policy should align wherever possible with the Government of Canada's Disaster Financial Assistance Arrangements and the interests of the Government of the Northwest Territories.

### 3. Scope

This Policy guides the allocation of funding and applies to local authorities; small businesses (which includes self-employed commercial hunters, fishers, trappers, and other harvesters of natural resources; non-profit organizations; and persons providing rental accommodations); and residents of the Northwest Territories.

### 4. Definitions

The following definitions apply to this Policy:

Assistance – payment or other forms of monetary or non-monetary aid from the Government of the Northwest Territories for damage and/ or loss caused by a disaster.

Damage – a deterioration in the condition of property or infrastructure resulting directly from a disaster.

Disaster - an emergency caused by natural phenomenon of unusual proportion affecting a large area or number of people which threatens loss of life, injury, property damage or economic disruption.

Emergency - a current or imminent event that requires prompt coordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit or prevent damage to property or the environment as set out in the *Emergency Management Act*.

Emergencies that may be eligible for disaster assistance include extraordinary fire, flood, explosion, earthquake, landslide, severe weather, environmental pollution, or any other sudden event of unusual proportion caused by natural phenomenon and is not attributable to human error, enemy attack, sabotage, or other hostile action, where injury or loss is or may be caused to persons or property.

Eligible emergencies exclude: an event affecting a single sector or property, shipping accident, mining accident, transportation accident, electrical power failure, nuclear accident, chronic or pandemic health emergencies including recurring or new public health threats; public or civil disorder including a riot, criminal or terrorist acts, domestic or international armed conflict, and the fighting of wild fires unless it threatens values-at-risk as set out in the *Forest Fire Management Policy* 53.04.

Insurable - means that insurance coverage was available in the area at reasonable cost. Reasonable cost and availability are determined jointly by the Government of the Northwest Territories and Public Safety Canada, with professional advice as required (e.g., Insurance Bureau of Canada, regional insurance broker.)

Non-Profit Organization - a registered society, including charitable organizations, that comply with requirements set out in the *Societies Act* while carrying out any purpose or activity as described in section 2 of the *Act*.

Except for the criteria used to determine eligibility, non-profit organizations are considered small businesses under this Policy. Only those non-profit organizations that make a significant contribution to the sustainability of the entire community by providing a basic or essential service in the interest of the community, including charitable organizations, are eligible for assistance under this Policy.

Pre-disaster Condition - means the functional state of property, even if poor, due to wear, tear and existing damage, prior to damage caused by a disaster.

Preliminary Assessment - the initial cost estimate to restore property to its pre-disaster condition as determined by a third party recognized by the Department of Municipal and Community Affairs.

Primary residence - the true, fixed and permanent home and the principal establishment (a house, condominium or a fixed-in-place mobile home); ordinarily occupied by the resident for at least 153 days by calendar year or more and is the residents' designated mailing address for such purposes as electoral lists, health records, tax rolls, credit records, bank statements, income support, pensions and other payments, utility payments, insurance (personal, residential, automobile and business) and driver's licence.

Property improvements - any upgrade or enhancement that makes the state of the property better than it was at the time of the disaster.

Resident - a person who is lawfully entitled to be or remain in Canada, has lived in the Northwest Territories for at least three consecutive months, and is physically present in the NWT at least 153 days during each calendar year.

Self-employed commercial hunters, fishers, trappers, and other harvesters of natural resources - an enterprise that meets the criteria of a small business as set out in this Policy that is permitted and licensed in the Northwest Territories to carry out commercial activities involving timber, wildlife, or agricultural food production.

Small Business - an enterprise which complies with the legal requirements to carry on business in the NWT where the owners operate the business and are dependent on the business for their livelihood.

The small business must be other than a "hobby business" and be an owner operated enterprise where the owner-operator manages day to day business and owns at least 50% of the business.

To qualify as a small business, yearly gross revenues as reported for income tax purposes must be at least \$10,000 but no more than \$2 million and there are not more than the equivalent of 20 full time employees.

Self-employed commercial hunters, fishers, trappers, and other harvesters of natural resources; and persons providing rental accommodation in their homes or other premises are considered small businesses under this Policy.

Value of Damage - the appraised value of restoring property to its pre-disaster condition as determined by a qualified professional recognized by the Department of Municipal and Community Affairs.

**5. Authority and Accountability**1) General

This Policy is issued under the authority of the Executive Council. The authority to make exceptions and approve revisions to this Policy rests with the Executive Council. Authority and accountability are further defined as follows:

(a) Minister

The Minister of Municipal and Community Affairs (the Minister) is accountable to the Executive Council for the implementation of this Policy.

(b) Deputy Minister

The Deputy Minister of Municipal and Community Affairs (the Deputy Minister) is accountable to the Minister and responsible to the Minister for the administration of this Policy.

2) Specific(a) Executive Council:

The Executive Council may:

- (i) determine if the Disaster Assistance Policy should be applied to a specific disaster; and
- (ii) extend the provisions of this Policy to other recipients who have suffered from a disaster, but do not meet the eligibility requirements of this Policy.

(b) Minister

The Minister may:

- (i) recommend to the Executive Council that the Disaster Assistance Policy be applied to a specific disaster within a defined geographic area;
- (ii) make recommendations to the Executive Council regarding amendments to or the implementation of this Policy;

- (iii) request assistance from the Government of Canada for financial assistance or recommend to the Premier that a request be made in the event this Policy is applied to a specific disaster;
- (iv) establish ministerial policies, guidelines and internal procedures required for the implementation of this Policy including but not limited to:
  - eligible expenses;
  - levels of assistance, including maximums;
  - procedures to be used by applicants to request assistance;
  - timeframes within which assistance will be provided; and
  - appeals.
- (v) amend the ministerial policies referred to under Section 5(2)(b)(iv) of this Policy; and
- (vi) advise the Executive Council of the intent to establish or amend any ministerial policies established as per 5(2)(b)(iv) of this Policy.

(c) Deputy Minister

The Deputy Minister will:

- (i) recommend to the Minister that the Disaster Assistance Policy be applied when an emergency meets, or is likely to meet, criteria established in this Policy; and
- (ii) provide advice to the Minister on the policies, guidelines, and internal procedures necessary for the implementation of this Policy.

## 6. Provisions

- 1) Payments made under this Policy are considered "ex- gratia", that is, there is no statutory entitlement to a given level of assistance.
- 2) Assistance does not provide full compensation, but rather is intended to help eligible recipients restore essential services and property to its pre-disaster condition when the damage resulting from a disaster was neither preventable nor insurable.

- 3) Assistance does not cover the costs of non-essential items; anything that is or could be covered by another financial source including insurance or other GNWT program; damage, loss or deterioration of property that was not directly caused by a disaster; or property improvements not required by law, by-law or building code
- 4) Eligibility
- (a) Eligibility for disaster assistance payments is restricted to those recipients in section 3 of this Policy.
- (b) Private property constructed in an area after it is known or designated as being disaster-prone is not eligible for assistance.
- (c) Assistance for private property constructed in an area before it was known or designated as being disaster-prone may be eligible up to three times if it can be demonstrated that actions to limit further damage were taken, such as:
- moving to a location outside of the disaster-prone area; or
  - flood-proofing against the effects of a flood of significantly unusual proportion. Flood-proofing can include, for example, placing structures behind levees, or on stilts/columns or mounds.
- (d) Eligible recipients must show that actions to protect property and minimize damage were taken.

5) Criteria

When determining if the Disaster Assistance Policy should be applied to a disaster, the Executive Council will consider any combination of the following factors:

- (a) the scale of the event was abnormal and affects a large area or number of people and threatens loss of life, injury, property damage, or economic disruption;
- (b) the Minister has recommended that this Policy be applied;
- (c) the event meets eligibility requirements of the federal Disaster Financial Assistance Arrangements;
- (d) there exists a declaration of a State of Emergency and/or Local State of

Emergency; and

- (e) the affected local authority conducted appropriate emergency operations and advised the Deputy Minister.

## **7. Financial Resources**

Financial resources required under this Policy are conditional on an approval of funds by the Legislative Assembly and there being a sufficient unencumbered balance in the appropriate activity for the fiscal year for which the funds will be required.

## **8. Prerogative of the Executive Council**

Nothing in this Policy shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take action respecting disaster assistance outside the provisions of this Policy.

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Premier and Chair of the  
Executive Council