



1. Statement of Policy

The Government of the Northwest Territories may provide financial assistance to community governments, small businesses, or residents of the Northwest Territories who have suffered damage as a result of a disaster.

2. Principles

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

- (1) The Government of the Northwest Territories should offer assistance when widespread damage has occurred as a result of a disaster. The Government of the Northwest Territories should also assist community governments in responding to an emergency which results in a disaster.
- (2) The Government of the Northwest Territories should provide reasonable levels of disaster assistance but should not offer full compensation for damage or loss.
- (3) Community Governments, small businesses and residents should take appropriate and reasonable measures to prevent and minimize damage.

3. Scope

This Policy applies to community governments, small businesses and residents of the Northwest Territories.

4. Definitions

The following terms apply to this Policy:

Assigned Value of Damage - the total value arrived at through the application of an approved Standardized Item List plus the appraised value of improved real property.



Community Government - a municipal corporation or, in the absence of a municipal corporation, a community governing authority recognized by the Minister of Municipal and Community Affairs as the prime public authority responsible for the provision of municipal services.

Damage - property damage or loss which occurs as a result of a disaster.

Disaster - an event resulting from an emergency which leads to widespread damage.

Emergency - a situation or the threat of an impending situation abnormally affecting lives and property which requires a concerted response by a number of agencies, both government and private, under the direction of the appropriate elected officials, as distinct from routine operations carried out by agencies as normal day-to-day procedures.

Emergencies may include: extraordinary fire, flood, explosion, earthquake, landslide, severe weather, epidemic, shipping accident, mining accident, transportation accident, electrical power failure, nuclear accident, environmental pollution, or any other emergency not attributable to enemy attack, sabotage, or other hostile action, where injury or loss is or may be caused to persons or property.

Emergency Operations - extraordinary responses, beyond normal or routine functions, to a real or anticipated emergency to protect residents and to minimize damage to property.

Improved Real Property - physical land and structures or other improvements thereon.

Municipal Corporation - a corporation established under or continued by the *Charter Communities Act*, the *Cities, Towns and Villages Act*, the *Hamlets Act* or the *Settlements Act*.

Municipal Programs and Services - those programs and services which are normally provided by community governments, including the provision of water; collection, treatment and disposal of sewage and garbage; fire protection; road maintenance; recreation; by-law enforcement; land use control and community planning. This may also include land administration, borrowing and the collection of property taxes.



Pre-disaster Condition - the condition of a property prior to the occurrence of damage, which is the result of a disaster.

Small Business - a business which complies with the legal requirements to carry on business in the Northwest Territories where the owners operate the business and are dependent on the business for their main livelihood.

Standardized Item List - a list of the types of items, excluding improved real property, considered eligible for disaster assistance after a specific disaster, as well as an assigned value for each listed item type to be used in determining the amount of a disaster assistance payment.

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 is 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 individuals who have suffered from a disaster, but are not resident in a community as defined in this Policy.

(b) Minister

The Minister may:

- (i) consider a community government's request that the Disaster Assistance Policy be applied;
- (ii) recommend to the Executive Council that the Disaster Assistance Policy should be applied to a specific disaster;
- (iii) establish a Disaster Assistance Committee upon Executive Council direction that the Disaster Assistance Policy should be applied to a specific disaster;
- (iv) appoint a member of the public service to chair a Disaster Assistance Committee;
- (v) determine a minimum value of damage before disaster assistance will be offered;
- (vi) determine the maximum percentage of the value of damage that may be payable to a community resident or small business;
- (vii) approve a Standardized Item List recommended by a Disaster Assistance Committee;



- (viii) approve the amounts of disaster assistance to be paid; and
- (ix) negotiate with the Government of Canada for financial assistance.

(c) Deputy Minister

The Deputy Minister (or designate) will:

- (i) accept, assess and advise the Minister on a community government's request that the Disaster Assistance Policy be applied;
- (ii) designate at least one senior government official for appointment to a Disaster Assistance Committee;
- (iii) forward the recommendations of a Disaster Assistance Committee for the Minister's approval; and
- (iv) initiate payment, recording and recovery action of disaster assistance payments.

(d) Secretary of the Financial Management Board

The Secretary of the Financial Management Board will designate at least one senior government official for appointment to a Disaster Assistance Committee.

(e) Deputy Minister of Industry, Tourism and Investment

The Deputy Minister of Industry, Tourism and Investment will designate at least one senior government official for appointment to a Disaster Assistance Committee.



(f) Disaster Assistance Committee Chair

The Chair of a Disaster Assistance Committee:

- (i) will be accountable to the Deputy Minister for the operations of the Disaster Assistance Committee;
- (ii) will appoint to the Disaster Assistance Committee officials designated by the Deputy Minister of Municipal and Community Affairs, by the Secretary of the Financial Management Board and by the Deputy Minister of Industry, Tourism and Investment;
- (iii) may appoint other members to serve on the Disaster Assistance Committee; and
- (iv) will confer with the Regional Director of Emergency Preparedness Canada on the interpretation and application of the Disaster Financial Assistance Arrangements (Canada).

6. Provisions

(1) Eligibility

- (a) Eligibility for disaster assistance payments is restricted to community governments, small businesses and individuals resident in a community which has suffered a disaster.
- (b) The Executive Council may extend the provisions of this Policy to individuals who have suffered from a disaster, but are not residents in a community as defined in this Policy.

(2) Application of this Policy

- (a) After a disaster causing widespread damage has occurred:
 - (i) the municipal corporation of the affected community may request, by motion or resolution, that the Disaster Assistance Policy be applied; or



- (ii) where there is no municipal corporation as defined in this Policy, the local Band Council of the affected community may request, by Band Council Resolution, that the Disaster Assistance Policy be applied; or
 - (iii) the municipal corporation may declare a State of Local Emergency.
- (b) Copies of motions, resolutions or declarations referred to in Section 6(2)(a) are to be directed to the Deputy Minister of Municipal and Community Affairs.
 - (c) The Deputy Minister will forward copies of motions, resolutions or declarations referred to in Section 6(2)(b), along with an assessment of the situation, to the Minister.
 - (d) The Minister may recommend to the Executive Council that the Disaster Assistance Policy should be applied to the disaster in question.

(3) Criteria

The Executive Council will use the following criteria when determining whether the Disaster Assistance Policy should be applied to a specific disaster:

- (a) the event was an emergency;
- (b) damage was so widespread that a significant number of people or properties were affected;
- (c) the health, safety, and welfare of the affected residents were at risk;
- (d) the community conducted appropriate emergency operations and advised the Deputy Minister;
- (e) the community, small businesses and community residents made serious effort to protect property and minimize risk.



(4) Disaster Assistance Committee

A Disaster Assistance Committee will be established upon Executive Council direction that the Disaster Assistance Policy should be applied to a specific disaster:

(a) Membership

A Disaster Assistance Committee shall be comprised of:

- (i) a Chair appointed by the Minister;
- (ii) officials designated by the Deputy Minister of Municipal and Community Affairs, by the Secretary of the Financial Management Board and by the Deputy Minister of Industry, Tourism and Investment; and
- (iii) any additional members as may be appointed by the Chair of the Disaster Assistance Committee.

(b) Role and Responsibilities

Each Disaster Assistance Committee:

- (i) will develop, and recommend for the Minister's approval, a Standardized Items List;
- (ii) will establish a disaster assistance registration office to facilitate the distribution and receiving of statement of damage and loss forms;
- (iii) will establish a reasonable date by which all applications relating to the disaster must be submitted and provide public notice of the dates for registration;
- (iv) will accept applications for disaster assistance submitted in accordance with this Policy;
- (v) will determine the eligibility of applicants for disaster assistance;



- (vi) will examine all applications and determine whether the damage is eligible in accordance with this Policy and the Standardized Items List;
 - (vii) may engage duly qualified professional appraisers to examine and assess applications for disaster assistance using established professional standards and any guidelines established for this purpose by the Committee;
 - (viii) may return any applications to the appraisers for further assessment where such action appears appropriate;
 - (ix) will determine amounts to be recommended for payment in accordance with this Policy; and
 - (x) will forward applications and recommendations for payment to the Deputy Minister.
- (5) Disaster Assistance Payments
- (a) Disaster assistance is not intended to provide full compensation for damage, but to assist eligible community governments, small businesses and community residents in restoring property to its pre-disaster condition. Disaster assistance is limited to essential items, the loss of which was neither preventable nor insurable.
 - (b) Payments made under this Policy are considered to be "ex-gratia", that is, there is no statutory entitlement to a given level of assistance.
 - (c) Assistance may be provided within the following limitations:
 - (i) assistance will only be provided for damage in excess of an amount set by the Minister;
 - (ii) appraisal of improved real property will be based on pre-disaster conditions;



- (iii) the assigned value of damage shall be the total value arrived at through the application of an approved Standardized Item List, plus the appraised value of improved real property;
 - (iv) assistance will be calculated as a percentage of the assigned value of damage;
 - (v) the actual percentage of the assigned value of damage used to calculate assistance will be set by the Minister and shall not exceed 80 percent;
 - (vi) the maximum assistance payable shall be \$100,000 after exclusions and limitations have been applied.
- (d) Eligible costs may include those related to:
- (i) real property being used as a principal residence and its ancillary structures, and essential possessions contained therein;
 - (ii) property being used as a business premise and stock in trade;
 - (iii) items essential to hunting and trapping, providing the claimant relies on hunting and trapping for a significant part of his or her income; or
 - (iv) the reconstruction of essential community services.
- (e) Disaster assistance will not be paid when the value of damage or loss:
- (i) could have been covered by insurance which was readily available at a reasonable cost, as determined by the Disaster Assistance Committee;
 - (ii) is recoverable through legal action;



- (iii) is eligible for financial assistance under any other program (the value of any damage or loss which is beyond the level of assistance provided by any other program is eligible for financial assistance under this Policy);
 - (iv) is an ordinary or normal risk of a business, trade, calling or occupation, including loss of income and interest charges;
 - (v) can be considered as a normal expenditure of a business, government, municipal department, or service, including maintenance costs;
 - (vi) is considered to be for non-essential items, such as summer cottages, furs, jewellery, objects of art, landscaping and residential fencing;
 - (vii) is considered to be non-essential to the restoration of an individual's home or livelihood or to the reconstruction of essential community services;
 - (viii) could have been reduced or prevented by means available to persons affected prior to the disaster; or
 - (ix) is incurred by business other than a small business.
- (6) Community Government Disaster Costs
- (a) A community government may request assistance under this Policy to recover extraordinary costs incurred in conducting emergency operations and to restore damaged public property to its pre-disaster condition.
 - (b) Eligible community government disaster costs may include those related to:



- (i) clearance of debris and wreckage from:
 - channels and streams, as necessary,
 - intake and outfall of sewers and storm drains to permit adequate functioning of the systems, and
 - water supply reservoirs, as necessary;
- (ii) removal of damaged buildings which constitute a definite threat to public safety;
- (iii) health and sanitation facilities;
- (iv) repair of streets, roads, wharves and docks;
- (v) repairs to publicly-owned sewer and water facilities;
- (vi) planning and design to determine costs of replacement, including necessary overtime payments for staff;
- (vii) emergency operations authorized by the appropriate authority;
- (viii) rental charges for equipment leased to assist in dealing with or recovering from the disaster;
- (ix) repairs to other community government structures and equipment which are uninsurable and an integral part of the municipal operation; and
- (x) damage to insurable community government facilities of an amount less than or equal to the deductible amount of insurance.



(7) Applications

- (a) Applications by community governments, small businesses or community residents for assistance under this Policy are to be directed to the Disaster Assistance Committee.
- (b) Statement of damage and loss forms will be available from the Disaster Assistance Committee and are to be used as application for assistance.

7. Financial Resources

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


Premier and Chairman of the
Executive Council