



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 49
(2002, chapter 2)

An Act to amend the Act respecting the Société d'habitation du Québec

Introduced 1 November 2001
Passage in principle 18 December 2001
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EXPLANATORY NOTES

This bill amends the Act respecting the Société d'habitation du Québec to define the powers of the municipal and regional housing bureaus.

The bill contains a provision granting the Société d'habitation du Québec the power, where exceptional circumstances so warrant and subject to the authorization of the Government, to implement programs or special measures in response to the exceptional circumstances. Any use of that exceptional power is to be reported by the Société in its annual report.

The bill introduces new provisions requiring each housing bureau to establish an advisory committee of residents, and where a bureau manages more than 2,000 dwellings, to create sector committees.

The bill authorizes the Société d'habitation du Québec to delegate to a third person the administration of one of its programs or a program entrusted to it. The Société may, in this respect, enter into an agreement with a government department or body, a municipality or any person or body.

Lastly, the bill amends the Municipal Code of Québec as regards affirmation of the jurisdiction of regional county municipalities over the management of social housing.

LEGISLATION AMENDED BY THIS BILL :

- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34).

Bill 49

AN ACT TO AMEND THE ACT RESPECTING THE SOCIÉTÉ D'HABITATION DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8), amended by section 172 of chapter 25 of the statutes of 2001, is again amended by replacing ““municipal housing bureau or regional housing bureau”” in paragraph *b* by ““municipal housing bureau” or “regional housing bureau””.

2. Section 1.2 of the said Act is amended by replacing “governmental or municipal bodies and the groups or individuals concerned” in the second line by “municipalities, governmental, regional or municipal bodies and any person concerned”.

3. Section 3.1 of the said Act is amended

(1) by adding the following sentence at the end of the first paragraph :
“However, sums paid as a housing allowance are neither transferable nor subject to seizure.”;

(2) by adding the following paragraph after the fourth paragraph :

“However, where required by exceptional circumstances, the Société may, with the authorization of the Government, implement any special program or make any modification to an existing program to take such exceptional circumstances into account. In that case, the conditions or rules of allocation may differ from those prescribed in the regulations made under this Act. The special program or modifications come into force on the date authorization is given by the Government and must be published in the *Gazette officielle du Québec*. In addition, the Société must, in its annual report, report the use of such exceptional power and state the reasons that warranted its use.”

4. The said Act is amended by inserting the following section after section 3.2 :

“3.2.1. The Société may provide any stakeholder in the housing sector who so requests, for consideration and in a self-financing perspective, the expertise required to facilitate the carrying out, by the stakeholder concerned, of projects, activities or particular operations falling within the scope of the objects of the Société.”

5. Section 15.1 of the said Act is amended

(1) by replacing “No” in the first line of the first paragraph by “Subject to section 15.2, no”;

(2) by replacing the second sentence of the third paragraph by the following :
“The Société may also, subject to the conditions it determines, allow that a facsimile of such a signature be engraved, lithographed or printed.”

6. The said Act is amended by inserting the following section after section 15.1:

“15.2. No document issued by a person who administers a program under the provisions of an agreement referred to in section 89.1 or section 90.0.1 shall bind the Société or be attributed to it unless the document is signed by a person authorized to do so pursuant to the agreement.”

7. Sections 17 to 19 of the said Act are replaced by the following section :

“17. Except on a question of jurisdiction, none of the recourses provided in articles 33 and 834 to 846 of the Code of Civil Procedure may be exercised, and no injunction may be granted against the Société or the members of its board of directors acting in their official capacity.

A judge of the Court of Appeal may, on a motion, quash by summary procedure any judgment, order or injunction granted contrary to this section.”

8. The said Act is amended by inserting the following section after section 56:

“56.1. A municipality may establish a social housing development fund to support any social housing development plan.

A regional county municipality that has not affirmed its jurisdiction with respect to the matters provided for in this Act under article 678.0.1 or 678.0.6 of the Municipal Code of Québec (chapter C-27.1) may nevertheless establish a social housing development fund to support any social housing development plan, in collaboration with the municipalities in its territory.”

9. The heading of subdivision 2 of Division IV of the said Act is amended by replacing “*Municipal housing*” by “*Housing*”.

10. Section 57 of the said Act, amended by section 173 of chapter 25 of the statutes of 2001, is again amended

(1) by replacing subsection 1 by the following subsection :

“(1) Upon receipt of a petition by a municipality or a regional county municipality that has affirmed its jurisdiction with respect to the management of social housing, the Lieutenant-Governor may issue, on such conditions as are therein set out, letters patent under the Great Seal of Québec constituting a municipal housing bureau or a regional housing bureau for the purpose of providing mainly residential dwellings to persons or families of low or moderate income.

The petition shall mention the name of the bureau, the location of its head office, the powers, rights and privileges which it shall enjoy, the rules for the exercise of its powers and the appointment of its directors and officers; the name of the bureau shall indicate, in the case of a petition presented by a local municipality, that it is a municipal housing bureau or, in the case of a petition presented by a regional county municipality, that it is a regional housing bureau.”;

(2) by inserting the following subsection after subsection 3 :

“(3.1) A bureau so constituted may also

(a) acquire, construct and renovate residential immovables under a housing program implemented under this Act by the Société or municipality ;

(b) administer any housing program the management of which is entrusted to it by the Société or the municipality ;

(c) administer the residential immovables the provisional administration of which is entrusted to the Public Curator ;

(d) administer the residential immovables belonging to the Société Immobilière SHQ or a non-profit organization the management of which is entrusted to the bureau pursuant to an agreement entered into with that housing authority or organization ; and

(e) implement any activity of a social or community nature that fosters the well-being of its clientele.”

11. Section 57.1 of the said Act, amended by section 177 of chapter 25 of the statutes of 2001, is again amended by adding “, according to the procedure determined by the lessees” at the end.

12. The said Act is amended by inserting the following subdivisions after section 58.1 :

“§2.1. — *Association of lessees*

“**58.2.** Any lessee of a dwelling administered by a bureau has the right to belong to an association of lessees and to take part in the creation, the activities and the administration of such an association.

The bureau must recognize any association of lessees that conforms to the directives issued by the Société.

“§2.2. — *Accessibility of services*

“**58.3.** A bureau must provide accessible and quality assistance and information services to the lessees of its dwellings and to any person wishing to lease such a dwelling. The services must be available at the head office of the bureau and at any other location the bureau determines. In the latter case, the bureau shall inform them of the location and the services provided.

“§2.3. — *Advisory committee and sector committees*

“**58.4.** Every bureau must establish an advisory committee of residents. The committee shall consist of a maximum of 25 members chosen from among the persons residing in dwellings in housing administered by the bureau. The two lessees elected as directors of the bureau shall be members of the committee. The other members shall be appointed by the associations of lessees recognized by the bureau or, if there is no such association, by the bureau. However, in the case of a bureau referred to in section 58.6, the members shall be appointed by the lessees who sit on the sector committees.

“**58.5.** The advisory committee must foster the participation of persons residing in the dwellings in activities of a social or community nature implemented or recognized by the bureau and promote their associative life.

The advisory committee may make the representations it considers appropriate to the bureau on any matter of common interest concerning building maintenance, service quality and accessibility, occupancy rules, the bureau’s budgetary decisions and the planning of major improvement and modernization work. It may also make representations on any matter relating to social or community development.

“**58.6.** A bureau that administers more than 2,000 dwellings must establish sector committees. Each committee shall consist of members appointed by the bureau from among its personnel and of members chosen from among the persons residing in dwellings in housing administered by the bureau.

Each association of lessees recognized by the bureau shall appoint one member for every immovable occupied by the lessees it represents, up to three members.

A sector committee may retain the services of a resource person to preside over any meeting to be held.

“**58.7.** The mandate of the sector committee is to see to the improvement of the services provided directly to residents. For that purpose, the committee may examine the requests and complaints submitted to it on any matter

relating to building maintenance and service quality. The committee may submit to the bureau any recommendation necessary to remedy a problem and any advice relating to the planning of major work and to social or community development.”

13. Section 86 of the said Act, amended by sections 177 and 178 of chapter 25 of the statutes of 2001, is again amended by adding the following subparagraph after subparagraph *v* of the first paragraph :

“(w) establish, having regard to the size of the bureaux, the number of their employees or the diversity of their activities, the management documents and supporting documents to be produced to the Société and determine the terms and conditions of their production.”

14. The said Act is amended by inserting the following section after section 86 :

“**86.1.** The Société may, by regulation, establish a code of ethics applicable to its employees and directors and to the management of a housing bureau, and see to it that the code of ethics is observed.

The code of ethics may provide distinct rules for employees, directors and management.”

15. The said Act is amended by inserting the following section after section 89 :

“**89.1.** The Société may enter into any agreement with a government department or body, a municipality or any other person or organization, relating to the administration by the Société or the other party of any program that is consistent with the objects of the Société.

The Société may, to the extent it indicates, authorize the signatory to transfer the carrying out of a part of the agreement to a third person.”

16. Section 90 of the said Act, amended by section 177 of chapter 25 of the statutes of 2001, is again amended by replacing “or any body or person mentioned in section 64” at the end by “or any non-profit organization”.

17. The said Act is amended by inserting the following section after section 90 :

“**90.0.1.** The Société may, with the authorization of the Government and in accordance with the agreement referred to in section 90, enter into an agreement entrusting a government department or body, a municipality or any person or organization with the administration of a program the management of which is entrusted to the Société by the Government of Canada or any body thereof.

The Société may, in the manner and to the extent it indicates, authorize the signatory to transfer part of the administration to a third person.”

18. Section 94.2 of the said Act is repealed.

19. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting the following article after article 678.0.2:

“**678.0.2.1.** A regional county municipality may first request the Government to allow it to affirm its jurisdiction with respect to the management of social housing, and a local municipality may not express its disagreement in relation to the exercise by the regional county municipality of that jurisdiction under articles 678.0.2 and 10.1. The second paragraph of article 678.0.5 and articles 678.0.6 and 678.0.7 apply, with the necessary modifications, to the request made by the regional county municipality.”

20. Section 153.1 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), enacted by section 44 of chapter 56 of the statutes of 2000, is amended by inserting “, to a municipal or regional housing bureau” after “organization” in the third line.

21. Section 154 of the said Act, replaced by section 45 of chapter 56 of the statutes of 2000, is amended by striking out “municipal” in the first paragraph.

22. The municipal housing bureau of Gagnon constituted under section 57 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8) by letters patent issued on 31 October 1978 is dissolved.

23. This Act comes into force on 30 April 2002.