

Draft Regulations

Draft Regulation

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8)

Allocation of dwellings in low rental housing

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law to amend the By-law respecting the allocation of dwellings in low rental housing, adopted by the Société d'habitation du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation amends the rules governing the allocation of dwellings in low rental housing mainly to adjust them to the new realities faced by lessors of such dwellings and to simplify their application.

It relaxes eligibility requirements so that some students may apply for a low rental dwelling and applicants living in Québec may apply with any lessor of low rental dwellings in the territory of Québec. In the latter case, however, the Regulation allows lessors to restrict their territory.

The draft Regulation amends the list of priority applications to take into account article 1974.1 of the Civil Code, by giving priority to applications made by victims of domestic violence or sexual aggression referred to in that article. It also allows lessors to make an internal by-law to give priority to certain applications.

The draft Regulation simplifies the weighting system used to classify applications for housing. Among other things, more importance will be given to seniority by allocating two points per year of seniority of the application up to a maximum of six points. In addition, to favour the most deprived households, six points will be allocated to any household that must spend 50% or more of the household income to afford the median market rent. Lastly, an additional point per minor child will be granted. Housing bureaus will be able to grant a total of five additional points to take into account the special needs of their clientele.

By reason of their specific mission, cooperatives and non-profit organizations will have full autonomy over the establishment of their own weighting criteria.

The draft Regulation also allows lessors to take into account the special preferences of lessees as regards the location of the dwellings that will be allocated to them to favour proximity between home and workplace or school.

Lastly, the draft Regulation relaxes certain rules, particularly those governing the composition of selection committees.

The draft Regulation has no impact on small and medium-sized businesses.

Further information may be obtained by contacting Marilyn Thibault, secretary and director of legal affairs, Société d'habitation du Québec, 1054, rue Louis-Alexandre Taschereau, aile Saint-Amable, 4^e étage, Québec (Québec) G1R 5E7; telephone: 418 643-4035, extension 2024; fax: 418 646-5560.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the secretary and director of legal affairs of the Société d'habitation du Québec at the above-mentioned address.

LAURENT LESSARD,
*Minister of Municipal Affairs, Regions
and Land Occupancy*

By-law to amend the By-law respecting the allocation of dwellings in low rental housing*

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 86, 1st par., subpars. *n, o, p, q, r, s, t, u, v*, 2nd and 3rd pars. and s. 87)

1. The By-law respecting the allocation of dwellings in low rental housing is amended by replacing section 1 by the following:

* The By-law respecting the allocation of dwellings in low rental housing, approved by Order in Council 1243-90 dated 29 August 1990 (1990, *G.O.* 2, 2433), was last amended by the by-law approved by Order in Council 767-2006 dated 16 August 2006 (2006, *G.O.* 2, 2991). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

1. Dwellings in low rental housing are classified in categories A, B and C.”

2. The following is inserted after section 1:

1.1. For the purposes of this By-law, “handicapped person” has the meaning assigned by section 1 of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (R.S.Q., c. E-20.1).”

3. Section 2 is replaced by the following:

2. A category A dwelling may be allocated only to a household consisting of

(1) at least one person aged 65 or older; or

(2) at least one handicapped person with a physical disability.

In the case referred to in subparagraph 1 of the first paragraph, a lessor may, by by-law, fix the minimum age of the other members of the household.”

4. Section 4 is replaced by the following:

4. A category B dwelling may be allocated only to a household consisting of one or more persons, aged under 65, who are spouses or relatives, within the meaning of article 655 of the Civil Code, up to the second degree.

The household may also include dependants within the meaning of section 23 of the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1).”

5. Section 6 is amended by replacing the first paragraph by the following:

6. A category C dwelling may be allocated only to a person who, because of his or her physical, emotional or psychosocial condition, needs special facilities or personal assistance services on-site, excluding food services.”

6. The following is inserted after section 6:

6.1. Where a dwelling is allocated to a household including a handicapped person, the household may include an informal caregiver.

An informal caregiver is a close relation who provides care and regular support, without remuneration, to another person.”

7. Section 8 is amended

(1) by replacing paragraph 4 by the following:

“(4) an additional bedroom is allocated to a handicapped person whose disability or means used to compensate for the handicap prevents the person from sharing a bedroom;”;

(2) by adding the following paragraph after paragraph 5:

“(6) if custody of a child is shared, an additional bedroom is allocated only if the child lives with the household in question at least 40% of the time.”;

(3) by adding the following paragraph at the end:

“The lessor may, by by-law, establish allocation conditions or criteria different from those provided for in this section in order to take into account the specifics of a shared custody order, the size of the dwelling or exceptional cases.”

8. Section 9 is replaced by the following:

9. When a dwelling is offered for lease for the first time, the lessor must publish a notice likely to reach persons residing in the territory where the dwelling is offered for lease. The same is applicable if the lessor expects to allocate a dwelling when the list of eligible persons is exhausted.”

9. Section 11 is replaced by the following:

11. An application for the leasing of a dwelling in low rental housing is made in writing on the form provided by the lessor and must contain the following information:

(1) the applicant’s surname, first name, date of birth, social insurance number and telephone number and, if applicable, the surname, first name, date of birth, social insurance number and telephone number of every member of the household and their relationship with the applicant;

(2) the applicant’s status as a Canadian citizen or permanent resident;

(3) a description of the applicant’s level of independence;

(4) the applicant’s place of residence and, if applicable, the address of each of the applicant’s places of residence in the 24 months preceding the application;

(5) the applicant's status as a handicapped person or the status as a handicapped person or as an informal caregiver of a member of the applicant's household;

(6) the applicant's income and the income of the applicant's household within the meaning of section 15;

(7) the total value of the applicant's property and of the property of the applicant's household;

(8) the shared custody of one or more of the applicant's children.

The application must be accompanied by documents attesting to the information referred to in subparagraphs 3 to 8 of the first paragraph.

The total value of the applicant's property and of the property of the applicant's household is the market value of the property less the value of any real rights encumbering the property.

The property listed in paragraphs 1 and 3 to 9 of section 146 of the Individual and Family Assistance Regulation (O.C. 1023-2006 [A-13.1.1, r.1]) is not taken into account to establish the total value of the applicant's property and the property of the applicant's household."

10. Section 14 is amended

(1) by replacing "a person living with him" in subparagraph 2 of the first paragraph by "an informal caregiver";

(2) by replacing subparagraph 4 of the first paragraph by the following:

"(4) for at least 12 months in the 24 months preceding the application, the applicant has resided in Québec or, if the by-law of the lessor provides for it, in the selection territory of the lessor;"

(3) by replacing the second and third paragraphs by the following:

"For the leasing of a dwelling owned by a rental housing cooperative or a non-profit organization, the applicant must also meet the conditions for eligibility established by the deed of incorporation or a by-law of the cooperative or organization.

The residency condition in subparagraph 4 of the first paragraph does not apply to

(1) a handicapped person having a physical disability or whose household includes such a person;

(2) a person who is a victim of domestic violence as indicated in an attestation issued by a shelter for such persons, a police force, a hospital or a local community service centre."

11. Section 16 is amended

(1) by replacing "1635 or 1656.4 of the Civil Code" in paragraph 1 by "1860, 1971 or 1975 of the Civil Code";

(2) by striking out paragraph 2;

(3) by striking out "or 2" in paragraph 3;

(4) by striking out "or from the date of abandonment" in the last sentence of paragraph 3;

(5) by striking out ", except a student who lives with a dependent child or who lives as though married with a person who lives with a dependent child" in paragraph 6;

(6) by adding the following after the first paragraph:

"Subparagraph 6 of the first paragraph does not apply to an applicant

(1) who lives with a dependent child or who lives as though married with a person who lives with a dependent child;

(2) who is at least 20 weeks pregnant;

(3) whose capacity for employment is severely limited within the meaning of the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1) and who participates in a Social Assistance and Support Program or measure offered pursuant to that Act."

12. Section 17 is amended by striking out paragraph 1.

13. Section 22 is replaced by the following:

"**22.** Every eligible person is assigned a classification, first on the basis of the category and subcategory of dwelling to which the person is entitled, then on the basis of the evaluation of the priority of the person's application."

14. Section 23 is amended

(1) by replacing paragraphs 1 and 2 by the following:

"(1) a person whose lease is resiliated under article 1974.1 of the Civil Code;

(2) an applicant whose dwelling is destroyed by a disaster or declared unfit for habitation by the municipality for more than 30 days, provided that an application is submitted to the lessor within 15 days following the occurrence;”;

(2) by inserting “respecting the Société d’habitation du Québec” after the word “Act” in paragraph 3;

(3) by striking out paragraphs 4 and 6;

(4) by adding the following after paragraph 7:

“(8) applications for relocation identified as priority applications by by-law of the lessor.”.

15. The following is inserted after section 23:

“**23.1.** The lessor must, by by-law, provide for a mechanism to manage applications for relocation that are submitted, the eligibility criteria for relocation and the cases in which applications for relocation will be priority applications.”.

16. Section 26 is replaced by the following:

“**26.** Where the same score is awarded to 2 or more applicants, precedence on the eligibility list is granted to the earliest application or, if applications were made at the same time, to the application of the household with the lowest income.”.

17. Section 27 is replaced by the following:

“**27.** The classification criteria and the number of points that may be awarded for each criterion are as follows:

(1) the applicant’s income is below the income established in Schedule 1 according to the type of household and the region concerned: 6 points;

(2) the age of the application for a lease: 2 points per year for a maximum of 6 points;

(3) the number of minor children of the applicant: 1 point per child.

Despite subparagraph 1 of the first paragraph, a lessor may, by by-law, allocate 6 points to a household consisting of only one person aged 65 or older whose income is equal to or less than the maximum amount that a person may receive as old age security pension and guaranteed income supplement under the Old Age Security Act (R.S.C. 1985, c. O-9).

A lessor may also provide, by by-law, for the distribution of a maximum of 5 additional points when one of the following situations occurs:

(1) the applicant is a handicapped person who, due to the person’s physical disability, cannot enter his or her domicile or move around in it safely to perform daily activities;

(2) the dwelling occupied by the applicant is located in an environment that is prejudicial to the applicant;

(3) the applicant meets general criteria to ensure greater social harmony in the immovables managed by the lessor; or

(4) the applicant resides in the selection territory of the lessor, is a handicapped person having a physical disability and the immovable concerned includes category C dwellings only.

Schedule 1 establishes the maximum income at which a household, according to the household type and the region concerned, has to spend more than 50% of the household income to afford the median market rent. The income provided for in Schedule 1 is adjusted annually on the basis of the median market rents established for the purposes of the Canada-Québec Global Agreement on Social Housing. The Société informs the public annually of the indexation by a notice published in the *Gazette officielle du Québec*.”.

18. Section 28 is replaced by the following:

“**28.** Subject to the application of the Canada-Québec Global Agreement, where the lessor is a housing cooperative or a non-profit organization other than a municipal housing bureau, it may, by by-law, fix different classification criteria and award points for them that are different from what is provided for in section 27.”.

19. Sections 29 to 40 are revoked.

20. Section 41 is amended by adding the following after the second paragraph:

“Where the same score is awarded to 2 or more applications, precedence is granted to the earliest application or, if applications were made at the same time, to the application of the household with the lowest income.”.

21. Section 42 is amended by replacing the second sentence in the first paragraph by the following:

“Despite the foregoing, the validity period of a first registration may be different if the lessor provides for a different period by by-law.”.

22. Section 45 is replaced by the following:

“**45.** A lessor must allow consultation of the list of eligible persons in the lessor’s office. For that purpose, the lessor must use a system concealing the identity of the persons entered on the list.

If the lessor has no office, the lessor must allow consultation of the list at the office of the lessor’s secretary or other representative or by a technological means.”.

23. The following is inserted after section 46:

“**46.1.** To the extent possible, when allocating a dwelling, the lessor takes into account the applicant’s preferences as regards the dwelling’s location.”.

24. Section 51 is amended by inserting “not more than” after “period of” in the last paragraph.

25. Section 52 is amended by adding the following after paragraph 2:

“(3) by reason of exceptional personal circumstances, accepting the dwelling would make the applicant’s economic situation or psychological state much worse;

(4) the dwelling does not correspond to the applicant’s preferences referred to in section 46.1.”.

26. Section 54 is amended

(1) by replacing “board of directors of the lessor” in subparagraph 2 of the first paragraph by “board of directors. The representative designated by the board of directors remains in office until the lessees elect their representative”;

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

“Where a lessor administers 100 dwellings or fewer, the selection committee may, at the choice of the lessor, consist of not fewer than 3 members of the board of directors, including one representative of the lessees.

In a municipality of more than 50,000 inhabitants, the lessor may form a selection committee per selection territory.”.

27. Schedules I to V are replaced by the following:

ELIGIBLE MAXIMUM INCOME

SCHEDULE 1

(section 27, 4th par.)

REGION	Number of bedrooms			
	1 Couple or 1 person	2 2 or 3 except couple	3 4 or 5 persons	4 6 persons
Region 01 – Bas-Saint-Laurent				
Matane and Rivière-du-Loup CAs	\$11,160	\$14,160	\$16,080	\$17,400
Rimouski CA	\$11,640	\$14,760	\$16,680	\$19,920
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 02 – Saguenay—Lac-Saint-Jean				
Alma and Dolbeau CAs Municipalities of Roberval and Saint-Félicien	\$11,160	\$14,160	\$16,080	\$17,400
Saguenay CMA	\$10,560	\$14,040	\$15,480	\$16,320
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360

REGION	Number of bedrooms			
	1 Couple or 1 person	2 2 or 3 except couple	3 4 or 5 persons	4 6 persons
Region 03 – Capitale-Nationale				
Québec CMA (part)	\$13,560	\$16,680	\$18,720	\$23,160
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 04 – Mauricie				
La Tuque and Shawinigan CAs	\$11,160	\$14,160	\$16,080	\$17,400
Trois-Rivières CMA (part)	\$10,800	\$13,560	\$15,120	\$16,560
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 05 – Estrie				
Sherbrooke CMA	\$11,220	\$14,400	\$17,160	\$22,320
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 06 – Montréal				
Montréal CMA (part)	\$14,280	\$16,800	\$19,680	\$25,680
Region 07 – Outaouais				
Gatineau CMA	\$15,000	\$17,760	\$20,880	\$26,160
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 08 – Abitibi-Témiscamingue				
Amos CA	\$11,160	\$14,160	\$16,080	\$17,400
Rouyn-Noranda and Val-d'Or CAs	\$11,640	\$14,760	\$16,680	\$19,920
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 09 – Côte-Nord				
Baie-Comeau and Sept-Îles CAs	\$11,640	\$14,760	\$16,680	\$19,920
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 10 – Nord-du-Québec				
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 11 – Gaspésie—Îles-de-la-Madeleine				
Municipality of Gaspé	\$11,640	\$14,760	\$16,680	\$19,920
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360

REGION	Number of bedrooms			
	1 Couple or 1 person	2 2 or 3 except couple	3 4 or 5 persons	4 6 persons
Region 12 – Chaudière-Appalaches				
Saint-Georges and Thetford Mines CAs Municipalities of Montmagny and Sainte-Marie	\$11,160	\$14,160	\$16,080	\$17,400
Québec CMA (part)	\$13,560	\$16,680	\$18,720	\$23,160
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 13 – Laval				
Montréal CMA (part)	\$14,100	\$16,200	\$19,200	\$25,800
Regions 14 and 15 – Lanaudière and Laurentides				
Montréal CMA (part)	\$14,280	\$16,800	\$19,680	\$25,680
Other municipalities	\$13,440	\$16,680	\$19,320	\$24,240
Region 16 – Montérégie				
Montréal CMA (part)	\$14,280	\$16,800	\$19,680	\$25,680
Cowansville, Granby, CAs Salaberry-de-Valleyfield and Sorel	\$11,160	\$14,160	\$16,080	\$17,400
Saint-Hyacinthe and Saint-Jean-sur-Richelieu CAs	\$11,640	\$14,760	\$16,680	\$19,920
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Region 17 – Centre-du-Québec				
Drummondville and Victoriaville CAs	\$11,160	\$14,160	\$16,080	\$17,400
Trois-Rivières CMA (part)	\$10,800	\$13,560	\$15,120	\$16,560
Other municipalities	\$9,960	\$12,240	\$13,800	\$15,360
Areas outside the market				
Municipalities	\$22,320	\$24,960	\$28,200	\$32,040

28. For a period of not more than one year as of the date of coming into force of this By-law, only priority applications according to section 23 may have precedence over an application entered on the list of eligible persons on the day preceding the date of coming into force of this By-law. At the end of that period, the applications will be reclassified using the classification criteria in the By-law respecting the allocation of dwellings in low rental housing, as amended by this By-law.

29. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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