

Draft Regulations

Draft Regulation

Individual and Family Assistance Act
(chapter A-13.1.1)

Individual and Family Assistance — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Individual and Family Assistance Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation enhances certain amendments proposed in the Regulation to amend the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) published in the *Gazette officielle du Québec* of 14 July 2021.

The draft Regulation published on 14 July proposes in particular a measure to exclude from the calculation of a benefit the sums paid to a recipient to compensate for physical or mental impairment or injury up to the amount provided for.

In this draft Regulation, that exclusion is extended to also include the sums received as death benefit, subject to the conditions set out in the draft Regulation.

The draft Regulation also provides that new periods will be considered for the calculation of the period required to be entitled to the additional adjustment offered to certain persons under the Social Solidarity Program, provided the person has resided in Québec during the period covered.

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

Further information on the draft Regulation may be obtained by contacting France Edma, Direction des politiques d'assistance sociale, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; telephone: 418 809-7259; email: france.edma@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

JEAN BOULET
*Minister of Labour, Employment
and Social Solidarity*

Regulation to amend the Individual and Family Assistance Regulation

Individual and Family Assistance Act
(chapter A-13.1.1, s. 132, pars. 8, 9, 10 and 17, s. 133,
pars. 2.1 and 3)

1. The Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended by adding the following after section 138:

“**138.1.** For the purpose of calculating a benefit, a death benefit received in a lump sum by an independent adult or a family member following the death of a person are excluded up to a value of \$235,401.

To benefit from that exclusion, the lump sum, or the first payment of the lump sum, if applicable, must have been received during a month in which the independent adult or the family is a recipient under a last resort financial assistance program, otherwise than pursuant to section 49 of the Act, or the Aim for Employment Program, or in which the independent adult or the family is eligible to receive the special benefit for dental and pharmaceutical services pursuant to section 48. Despite the foregoing, if the benefit paid for that month is later claimed in its entirety by the Minister, the exclusion applies, unless the claim is made following a false declaration, up to the date on which a formal repayment notice was sent by the Minister pursuant to section 97 of the Act.

In the case of a family, each member may benefit individually from the exclusion referred to in the first paragraph.

138.2. The exclusion provided for in section 138.1 applies from the date of the payment of the sums referred to, whether they are paid in one or several payments, only in respect of the person entitled thereto.

The exclusion applies if the sums are immediately deposited in a separate account in a financial institution.”.

2. Section 149 is amended in the first paragraph

(1) by replacing “sections 135 and 136” by “sections 135, 136 and 138.1”;

(2) by inserting “up to the amount provided for in the case of section 138.1” after “benefit”.

3. Section 157.1 is replaced by the following:

“**157.1.** Despite section 67.4, the social solidarity allowance granted to an independent adult, a family composed of only 1 adult or the spouse of an ineligible student is adjusted by \$93. The allowance granted to a family composed of 2 adults is adjusted by \$108.

Despite the first paragraph, the social solidarity allowance is adjusted by \$215 in the case of an independent adult and by \$160 in the case of a family composed of 2 adults, where the independent adult or an adult member of the family has been a recipient of the Social Solidarity Program for 66 months in the preceding 72 months.

For the purpose of calculating the period, the months in which the parent of a person who has received, with respect to the person, a supplement for handicapped children requiring exceptional care under the Taxation Act (chapter I-3) are considered.

The months in which a person has received sums while residing in Québec are also considered in any of the following cases:

(1) a disability pension or an additional amount for disability after retirement pursuant to the Act respecting the Québec pension plan (chapter R-9);

(2) a disability pension or a post-retirement disability pension payable under the Canada Pension Plan (Revised Statutes of Canada 1985, c. C-8);

(3) a disability allowance under the War Veterans Allowance Act (Revised Statutes of Canada 1985, c. W-3);

(4) an amount equivalent to the social solidarity allowance under an on-reserve income assistance program of the Government of Canada.

Despite the foregoing, in the case referred to in the fourth paragraph, the months concerned are not considered if the recipient who receives the sums is no longer eligible under the Social Solidarity Program, where the number of months totals more than 6, consecutive or not.

The adjustments provided for in this section do not apply in the case of persons referred to in the second paragraph of section 157.”.

4. Section 164 is amended

(1) by replacing “as well as a death benefit, if the proceeds or benefit” in subparagraph 5 of the first paragraph by “if the proceeds”;

(2) by inserting “the Aim for Employment Program or in which the independent adult or the family” after “Act, or” in the second paragraph;

(3) by striking out “or benefit” in the third paragraph.

5. Section 164.1 is amended by inserting “the Aim for Employment Program or the independent adult or the family” after “Act, or” in the second paragraph.

6. Section 171 is amended by adding the following paragraph at the end:

“In addition, section 138.1 applies only if the independent adult or the family was a recipient under a last resort financial assistance program or was eligible to receive dental and pharmaceutical services pursuant to section 48 during the 6 months preceding the date of application.”.

7. Section 177.6 is amended by replacing “section 147 in the first paragraph by “sections 138.1, 147”.

8. Section 181 is amended by replacing “sections 135 and 136” in the second paragraph by “sections 135, 136 and 138.1”.

9. Despite the fourth paragraph of section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), replaced by section 3 of this Regulation, the months that have been considered for the purposes of subparagraph 1 of the fourth paragraph, for calculating the period provided for in that section, as it read on 1 November 2021, continue to be considered provided the independent adult or the family member remains, after that same date, a recipient under the Social Solidarity Program or a recipient of the special benefit for dental and pharmaceutical services pursuant to section 48 of that Regulation.

10. This Regulation comes into force on 1 January 2022.

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