

Gouvernement du Québec

O.C. 1509-2021, 1 December 2021

Individual and Family Assistance Act
(chapter A-13.1.1)

**Individual and Family Assistance
— Amendment**

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, under paragraphs 9, 10 and 17 of section 132 of the Individual and Family Assistance Act (chapter A-13.1.1), for the purposes of the Social Assistance Program, the Government may make regulations

— determining what constitutes liquid assets and property;

— excluding, for the purpose of calculating a benefit, any or all of the income, earnings, benefits, liquid assets and property of a person eligible under the program;

— prescribing a method for calculating a benefit for the month of application, and determining the maximum amount of liquid assets at the time of the application;

WHEREAS, under paragraph 2.1 of section 133 of the Act, for the purposes of the Social Solidarity Program, the Government may make regulations prescribing, for persons referred to in the second paragraph of section 72 of the Individual and Family Assistance Act, the periods that may be considered in calculating the time provided for in the first paragraph of that section and determining the cases in which and the conditions under which such periods are considered;

WHEREAS, under paragraph 3 of section 133 of the Act, for the purposes of the Social Solidarity Program, the Government may make regulations prescribing, for the purposes of the third paragraph of section 72, more flexible rules concerning the matters referred to in that paragraph;

WHEREAS the Government made the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Individual and Family Assistance Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 September 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Individual and Family Assistance Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation

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

1. The Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), amended by Order in Council 1312-2021 dated 6 October 2021 (2021, G.O. 2, 4522), is further amended by adding the following after section 138.2:

“**138.3.** For the purpose of calculating a benefit, a death benefit received by an independent adult or a member of the family is excluded according to the conditions set out in sections 138.1 and 138.2. The amount referred to in section 138.1 includes the death benefit.

Despite the foregoing, for the exclusion to apply to a death benefit, a lump sum or the first instalment of any lump sum 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 during a month in which the independent adult or the family was eligible to receive dental and pharmaceutical services pursuant to section 48. The exclusion applies even if the benefit paid for that month is later claimed in its entirety by the Minister, 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.”

2. Section 157.1, amended by section 9 of the Regulation to amend the Individual and Family Assistance Regulation made by Order in Council 1312-2021 dated 6 October 2021 (2021, G.O. 2, 4522), 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 \$103. The allowance granted to a family composed of 2 adults is adjusted by \$118.

Despite the first paragraph, the social solidarity allowance is adjusted by \$365 in the case of an independent adult and by \$227 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 under the Social Solidarity Program for 66 months in the preceding 72 months.

Despite the foregoing, the adjustments provided for in this section do not apply in the case of the persons referred to in the second paragraph of section 157.

157.2. For the purpose of calculating the period provided for in the second paragraph of section 157.1, the following periods are taken into consideration:

(1) the months during which an adult was eligible to receive dental and pharmaceutical services pursuant to section 48;

(2) the months during which the parent of a person received, in respect of that person, the supplement for handicapped children requiring exceptional care pursuant to the Taxation Act (chapter I-3).

The months during which a person received, while residing in Québec, any of the following are also taken into consideration:

(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 post-retirement disability benefit payable under the Canada Pension Plan (R.S.C. 1985, c. C-8);

(3) a disability allowance under the War Veterans Allowance Act (R.S.C. 1985, c. W-3);

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

Despite the foregoing, for the purposes of the second paragraph, months in which the recipient who receives the sums is no longer eligible under the Social Solidarity Program are not taken into consideration when the number of those months totals more than 6, consecutive or not.”

3. 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 during a month 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.

4. 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.

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

“In addition, section 138.3 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.”

TRANSITIONAL AND FINAL

6. For the purposes of subparagraph 1 of the second paragraph of section 157.2 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), made by section 2 of this Regulation, the months taken into consideration for the purpose of calculating the period provided for in subparagraph 2 of the third paragraph of section 157.1, as it read on 1 November 2021, continue to be taken into consideration provided that the independent adult or member of the family remains, after that date, a recipient under the Social Solidarity Program or eligible to receive dental and pharmaceutical services pursuant to section 48 of the Regulation.

7. This Regulation comes into force on 1 January 2022.
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Gouvernement du Québec

O.C. 1533-2021, 8 December 2021

Act respecting health services and social services
(chapter S-4.2)

Provincial Committee on the dispensing of health and social services in the English language —Amendment

Regulation to amend the Regulation respecting the Provincial Committee on the dispensing of health and social services in the English language

WHEREAS, under the first paragraph of section 509 of the Act respecting health services and social services (chapter S-4.2), the Government must, by regulation, provide for