NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 16
(2023, chapter 12)

An Act to amend the Act respecting land use planning and development and other provisions

Introduced 21 March 2023
Passed in principle 9 May 2023
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EXPLANATORY NOTES

This Act makes various amendments to the Act respecting land use planning and development in order, mainly,

(1) to state the principles underlying the land use planning and development regime and define the purposes of territorial planning;

(2) to amend the content of land use and development plans of regional county municipalities (RCM plans) and of planning programs in order to broaden their scope;

(3) to provide for mechanisms for monitoring the implementation of land use planning, including the addition of targets to the metropolitan land use and development plan and to the RCM plan, and for the periodic production of reports by metropolitan communities and regional county municipalities and of a national report by the Minister of Municipal Affairs;

(4) to provide for the preparation and adoption of a national land use planning policy;

(5) to amend certain rules applicable to the revision of territorial planning documents and to requests made by the Minister to amend or revise those documents;

(6) to broaden the scope of revitalization programs and of programs to acquire immovables as regards the parts of the territory that may be covered by those programs;

(7) to introduce new exceptions to approval by way of referendum, in particular in the case where the purpose of a by-law is to enable the siting of collective equipment or of accessory dwellings or to increase the occupation density of the land;

(8) to allow local municipalities to adopt an incentive zoning by-law;

(9) to broaden the circumstances in which a local municipality may subordinate the issue of an authorization to the production of an expert assessment;

(10) to allow local municipalities to use the parking fund to finance sustainable mobility projects, to use the contribution intended for parks, playgrounds and green spaces to finance regional initiatives, to require a servitude as a contribution in that respect, and to restrict the requirements related to such a contribution in an agricultural zone; and

(11) to amend several procedural rules set out in the Act, in particular with respect to consistency, conformity, concordance, interim control, government interventions and the replacement of certain planning by-laws.

The Act amends the Municipal Powers Act to, in particular, allow local municipalities to temporarily suspend the issue of authorizations with respect to interventions that could create water supply or waste water treatment problems. Local municipalities are granted powers to provide assistance relating to accessory dwellings, disaster prevention and the mitigation of economic consequences, in the agricultural sector, of measures for the protection of natural environments.

The Act introduces measures to ensure the confidentiality of certain information concerning persons who need protection. It amends, in particular, the Act respecting municipal taxation to allow the withdrawal, on request, of the owner's name and postal address from the information entered in the property assessment roll for reasons related to the safety of the owner of the immovable or to the safety of a person occupying or using the immovable.

Various specific measures applicable to certain municipalities are also introduced.

Lastly, the Act makes amendments to other provisions concerning various matters and contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting land use planning and development (chapter A-19.1);

– Charter of Ville de Longueuil (chapter C-11.3);

– Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

– Charter of Ville de Québec, national capital of Québec (chapter C-11.5);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Municipal Powers Act (chapter C-47.1);

– Act respecting elections and referendums in municipalities (chapter E-2.2);

– Act respecting municipal taxation (chapter F-2.1);

– Cultural Heritage Act (chapter P-9.002);

– Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

– Fire Safety Act (chapter S-3.4);

– Charter of the City of Laval (1965, 1st session, chapter 89).

Bill 16

AN ACT TO AMEND THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. The Act respecting land use planning and development (chapter A-19.1) is amended by inserting the following preamble after the title:

"AS the territory of Québec is unique and diversified and as it constitutes the common heritage of all Quebecers;

"AS that territory is a source of attachment, pride and identity for all its inhabitants;

"AS that territory constitutes both an invaluable wealth and a limited resource, and as it is important to protect it and develop it for the benefit of current and future generations;

"AS human actions in the territory have lasting effects;

"AS land use planning and development are essential to the sustainable use of the territory and as they contribute to the creation of quality living environments, the protection of natural environments and agricultural land, the development of agricultural and forest activities, the development of dynamic and authentic communities and the fight against climate change;

"AS land use planning and development are responsibilities that are shared by the State and the municipal authorities, and as it is important to ensure concerted action between the stakeholders as well as consistency in decisions concerning these matters;

"AS it is the State's responsibility to define the policy directions that are to guide territorial planning and to ensure that its interventions contribute to the sustainable development of the territory;

"AS it is incumbent on municipal authorities to make decisions concerning land use planning and development in keeping with those policy directions, giving priority to the collective interest and taking into account territorial characteristics;".

2. The heading of the preliminary title of the Act is amended by inserting "OBJECT AND" before "INTERPRETATION".

3. The Act is amended by adding the following section before section 1:

"**0.1.** This Act establishes a land use planning and development regime designed to

(1) foster informed and sustainable planning and development of the territory;

(2) divide up land use planning and development responsibilities between the Government, metropolitan communities, regional county municipalities and local municipalities;

(3) ensure consistency of decisions made by the various stakeholders;

(4) confer a leading and unifying role on territorial planning documents;

(5) provide municipalities with versatile urban planning tools adapted to various needs; and

(6) measure the effectiveness of planning in order to support optimal and informed decision making."

4. Section 1 of the Act is amended by inserting the following paragraph after paragraph 8.2:

"(8.2.1) "planning by-law" means any by-law provided for in Chapter IV or Chapter V.0.1 of Title I;".

5. Section 2 of the Act is amended by adding the following paragraph at the end:

"For the purposes of this Act, a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) is considered a mandatary of the State."

6. The Act is amended by inserting the following chapter after section 2.2:

"**CHAPTER 0.1.1**

"PURPOSES OF TERRITORIAL PLANNING

"**2.2.1.** The purposes of the territorial planning of metropolitan communities, regional county municipalities and municipalities include but are not limited to the following:

(1) the optimal use of the territory, including to limit urban sprawl, in a manner that ensures that future generations can live and prosper there;

(2) the creation of complete, quality, convivial living environments that are conducive to the adoption of a healthy lifestyle;

(3) the development and maintenance of a housing supply that meets the diversity of needs;

(4) the prevention and reduction of risks and nuisances that could affect human health and safety and the safety of property;

(5) the fight against climate change, including adaptation to that change;

(6) the development of prosperous, dynamic and attractive communities;

(7) sustainable mobility, with a view to safety, accessibility and multimodal transport;

(8) the protection, development and sustainability of agricultural land and activities;

(9) the conservation and enhancement of natural environments and biodiversity as well as accessibility to nature;

(10) the preservation and enhancement of cultural heritage and landscapes;

(11) the optimal management of public infrastructures and equipment;

(12) the sustainable and integrated management of water resources; and

(13) the preservation and development of natural resources."

7. Section 2.24 of the Act is amended

(1) by inserting ", targets" after "objectives" in the first paragraph;

(2) in the second paragraph,

(*a*) by inserting ", targets" after "objectives" in the introductory clause;

(*b*) by inserting the following subparagraph after subparagraph 6:

"(6.1) land use planning conducted in a manner that is consistent with the protection, availability and integrated management of the water resource;";

(3) by inserting "and achieve the targets" after "criteria" in the third and fourth paragraphs.

8. Section 2.25 of the Act is amended by replacing "and objectives" by ", objectives and targets".

9. Division III of Chapter 0.3 of Title I of the Act, comprising section 2.26, is replaced by the following division:

"**DIVISION III**

"MONITORING OF IMPLEMENTATION OF THE METROPOLITAN PLAN

"**2.26.** A metropolitan community must produce, every four years, a metropolitan report containing the following information:

(1) a status report on land use planning in its territory;

(2) reporting on the achievement of the targets and the implementation of the policy directions and objectives set out in the metropolitan plan; and

(3) the means it intends to use to achieve any target that was not achieved during the period covered by the report.

The Minister shall determine, by regulation, any other information the report must contain.

"**2.27.** A metropolitan community may request that a regional county municipality or a municipality all or part of whose territory is situated within its territory communicate to the metropolitan community the information and documents the latter considers necessary for the production of its metropolitan report.

"**2.28.** The metropolitan report must be sent to the Minister not later than six months after the end of the period for which it is produced and be published on the website of the metropolitan community."

10. Sections 5 and 6 of the Act are replaced by the following sections:

"**5.** An RCM plan determines sustainable land use planning and development for the regional county municipality's territory. It defines its general aims and contains objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the RCM plan must

(1) describe the organization of the territory;

(2) determine the general policies on land use in the territory;

(3) delimit urbanization perimeters and determine occupation densities within them;

(4) determine any part of the territory within an urbanization perimeter that is to be consolidated on a priority basis;

(5) plan the organization of transportation, in particular the various modes of transportation, in a manner that is integrated with land use planning;

(6) describe anticipated housing needs and set out measures for meeting those needs;

(7) define the large infrastructure and equipment projects that are useful or necessary for pursuing the defined policy directions and objectives and for achieving the defined targets;

(8) plan land use development in a manner that is consistent with the protection, availability and integrated management of water resources;

(9) determine any part of the territory or any immovable that is of historical, cultural, aesthetic or ecological interest, and set out measures to ensure its protection or enhancement;

(10) determine any lake or watercourse that is of recreational interest with a view to ensuring its public accessibility; and

(11) identify any part of the territory where land occupation is subject to special restrictions for reasons of public safety or environmental protection, or because of its actual or potential proximity to a place or an activity that makes land occupation subject to special restrictions related to public safety, public health or general well-being.

For the purposes of the first paragraph, the plan of a regional county municipality whose territory includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) must ensure, in such a zone, the compatibility of land use planning and development standards with a view to favouring the priority use of land for agricultural activities and, within that framework, the harmonious coexistence of agricultural and non-agricultural uses.

The plan must describe its interrelatedness with any other planning document the regional county municipality is required to prepare.

The plan may delimit any mining-incompatible territory within the meaning of section 304.1.1 of the Mining Act (chapter M-13.1).

"**6.** The RCM plan must contain a complementary document that sets out rules, criteria or obligations regarding the content of any planning by-law a municipality may adopt under this Act, in particular as concerns the fact that such a by-law must be adopted and that it must contain provisions at least as restrictive as those of the complementary document.

The complementary document must, in particular, require the adoption of by-law provisions contemplated in subparagraph 7.1 of the second paragraph of section 115 as regards any lake or watercourse determined in accordance with subparagraph 10 of the second paragraph of section 5."

11. Section 7 of the Act is amended by replacing ", the means provided to further the coordinated action of participants and, in the case of priority land development or redevelopment planned for any zone identified in accordance with subparagraph 1 of the first paragraph of section 6, the schedule established for each step in the erection of the planned infrastructures and equipment" in paragraph 1.1 by "and the means proposed to further the coordinated action of the participants".

12. The Act is amended by inserting the following division after section 8:

"**DIVISION III**

"MONITORING OF THE IMPLEMENTATION OF THE RCM PLAN

"**9.** Every regional county municipality must produce, every four years, a regional report containing the following information:

(1) a status report on land use planning in its territory;

(2) reporting on the achievement of the targets and the implementation of the policy directions and objectives set out in the RCM plan; and

(3) the means it intends to use to achieve any target that was not achieved during the period covered by the report.

The Minister shall determine, by regulation, any other information the report must contain.

"**10.** A regional county municipality may request that a municipality whose territory is situated within its territory communicate to the regional county municipality the information and documents the latter considers necessary for the production of its regional report.

"**11.** The regional report must be sent to the Minister not later than six months after the end of the period for which it is produced and be published on the website of the regional county municipality."

13. Section 45 of the Act is amended by replacing ", the zoning by-law, the subdivision by-law, the building by-law or the by-law contemplated in section 116" by "or the by-law referred to in section 102".

14. Section 53.7 of the Act is amended

(1) by replacing "subparagraph 7 of the first paragraph of section 6" in the first paragraph by "the fifth paragraph of section 5";

(2) by adding the following paragraphs at the end:

"The Minister must refuse to give an opinion where a responsible body has failed to amend or revise its metropolitan plan or RCM plan to comply with a ministerial request under this chapter, except if the proposed amendment

(1) has the effect of remedying any of the causes of the failure referred to in this paragraph or if not making the amendment would cause such a failure;

(2) is necessary, in the Minister's opinion, for a government intervention to be made or a priority project to be carried out or for reasons of public safety, public health or environmental protection; or

(3) is a concordance amendment to the metropolitan plan, in the case of an RCM plan that concerns part of the territory of a metropolitan community.

The fourth paragraph applies to a regional county municipality that has failed to amend a by-law referred to in section 79.2 to comply with a ministerial request under subdivision 5 of Division I of Chapter II.1.

If the Minister refuses to give an opinion under the fourth or fifth paragraph, the Minister shall notify a notice to the responsible body that identifies the cause of the failure."

15. Section 53.9 of the Act is amended by adding the following paragraph at the end:

"The first paragraph does not apply if the responsible body has failed to act under the fourth or fifth paragraph of section 53.7."

16. The Act is amended by inserting the following section after section 53.9:

"**53.10.** The council of the responsible body may, by resolution, request that the secretary notify the by-law to the Minister again once the responsible body has remedied the failure referred to in the fourth or fifth paragraph of section 53.7. Section 53.6 applies to that notification, with the necessary modifications."

17. Section 53.11.4 of the Act is amended

(1) by replacing ", its zoning, subdivision and building by-laws and any of its by-laws under Divisions VII to XII of Chapter IV or under Chapter V.0.1 should the RCM plan be so amended. The document shall also specify the nature of the amendments a municipality will be required to make to its by-law under section 116 or identify every municipality that, in such a case, will be required to adopt a by-law under that section" in the first paragraph by "and to any of its planning by-laws. The document must also specify any planning by-law it will be required to adopt";

(2) by replacing "to take account of the amendment of the RCM plan, and identifying every municipality that is required to adopt a by-law under section 116 to take account of that amendment" in the second paragraph by "and any planning by-law it will actually be required to adopt to take account of the amendment to the RCM plan".

18. Section 53.11.5 of the Act is amended by replacing "subparagraph 2.1 of the first paragraph" by "the third paragraph".

19. Section 53.11.7 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

"The council must refuse to give its opinion if the regional county municipality has failed to make a concordance amendment to its RCM plan, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure;

(2) is necessary, in the metropolitan community's opinion, to enable a government intervention or for reasons of public safety, public health or environmental protection; or

(3) is made to comply with a ministerial request provided for in subdivision 5.";

(2) by adding the following sentence at the end of the second paragraph: "A resolution by which the council refuses to give an opinion must identify the concordance amendments the regional county municipality has failed to make.";

(3) in the third paragraph,

(*a*) by replacing "approving or withholding approval of the by-law" by "by which the community council approves the by-law, withholds approval or refuses to give an opinion";

(*b*) by replacing "second case" by "other cases";

(4) by adding the following sentence at the end of the fourth paragraph: "This paragraph does not apply if the regional county municipality has failed to act under the second paragraph."

20. The Act is amended by inserting the following section after section 53.11.7:

"**53.11.7.1.** The council of the regional county municipality may, by resolution, request that the secretary notify the by-law to the metropolitan community again once the regional county municipality has remedied the failure referred to in the second paragraph of section 53.11.7. Section 53.6 applies to that notification, with the necessary modifications."

21. Section 53.12 of the Act is replaced by the following section:

"**53.12.** The Minister may request that a responsible body amend a metropolitan plan or an RCM plan if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the plan is consistent with them;

(2) to follow up on a regional or metropolitan report indicating that a target has not been achieved; or

(3) to improve public safety.

The Minister shall notify an opinion to the responsible body specifying the amendments that must be made to the metropolitan plan or the RCM plan.

The opinion must also indicate any interim control measure the body must take and the time limit for adopting it, unless the Minister considers such a requirement is not necessary. An interim control by-law referred to in this paragraph may be repealed only with the Minister's approval.

The council of the responsible body must, within six months after notification of the Minister's opinion, adopt a by-law amending its metropolitan plan or RCM plan to comply with the opinion. If the Minister requests that both a metropolitan plan and an RCM plan applicable to part of the territory of the metropolitan community concerned be amended, with respect to the same object, the time limit applicable with respect to the by-law amending the RCM plan begins to run on the day of coming into force of the by-law amending the metropolitan plan.

Sections 48 to 53.4 do not apply with respect to a by-law that makes only the amendments necessary to comply with a request referred to in subparagraph 1 of the first paragraph that relates to a land use plan for the lands in the domain of the State or in subparagraph 3 of that paragraph.

For the purposes of sections 53.7 to 53.9, the Minister's opinion is also based on the by-law's consistency with the request made by the Minister.

If the council of the responsible body fails to adopt, within the prescribed time, a by-law requested by the Minister, including as regards interim control, the Minister may make it. Such a by-law is deemed to have been adopted by the council. The Minister shall, as soon as practicable after making the by-law, send a copy of it to the responsible body. The by-law comes into force on the date determined by the Minister.

The council of a responsible body that is of the opinion that its metropolitan plan or RCM plan already complies with the request and has notified a resolution to that effect to the Minister has not failed to adopt a by-law requested by the Minister in accordance with subparagraph 1 of the first paragraph.

If the Minister disagrees with the opinion given in the resolution sent to the Minister, the Minister may make a new amendment request to the responsible body specifying the amendments that must be made to the metropolitan plan or the RCM plan. The eighth paragraph does not apply to such a request."

22. Section 53.13 of the Act is amended by replacing the second paragraph by the following paragraph:

"The third, fourth, sixth and seventh paragraphs of section 53.12 apply to a request made in accordance with the first paragraph, except that, in the case of the by-law provided for in the seventh paragraph of that section, the by-law is made by the Minister of Sustainable Development, Environment and Parks. Sections 48 to 53.4 do not apply with respect to a by-law that makes only the amendments necessary to comply with such a request."

23. Section 53.14 of the Act is repealed.

24. Subdivision A of subdivision 2 of Division III of Chapter I.0.1 of Title I of the Act, comprising sections 54 and 55, is replaced by the following subdivision:

"A. — *Revision of metropolitan plan or RCM plan*

"**54.** The council of the responsible body may revise the metropolitan plan or RCM plan according to the process set out in this division.

It must notify the Minister and every partner body of its intention to undertake the revision process."

25. Section 56.3 of the Act is amended by striking out "Within two years after the beginning of the revision period," in the first paragraph.

26. Section 57.3 of the Act is amended by replacing "subparagraph 2.1 of the first paragraph" by "the third paragraph".

27. The Act is amended by inserting the following subdivision after section 57.8:

"§5. — *Ministerial requests*

"**57.9.** The Minister may request that a responsible body revise a metropolitan plan or an RCM plan if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the plan is consistent with them;

(2) to follow up on a regional or metropolitan report that is unsatisfactory as regards the achievement of targets; or

(3) because the plan has not been revised in more than 12 years.

The Minister shall notify an opinion to the responsible body setting out the reasons why the Minister considers that a revision is warranted.

The council of the responsible body must, within three years after notification of the Minister's opinion, adopt a by-law revising its metropolitan plan or RCM plan. If the Minister requests that both a metropolitan plan and an RCM plan applicable to part of the territory of the metropolitan community concerned be revised, the time limit applicable with respect to the by-law revising the RCM plan begins to run on the day of coming into force of the by-law revising the metropolitan plan.

The third paragraph of section 53.12 applies to a request made in accordance with the first paragraph."

28. Section 58 of the Act is amended by replacing the third paragraph by the following paragraph:

"In the case of the amendment of an RCM plan, "concordance by-law" means any by-law that is needed to take account of the amendment of the RCM plan and by which a municipality amends its planning program or by which it adopts or amends any planning by-law."

29. Section 59 of the Act is amended by striking out "subparagraph 1 or 2 of" in the second paragraph.

30. Section 59.1 of the Act is amended by replacing the first paragraph by the following paragraph:

"After the coming into force of the revised RCM plan, the council of each municipality whose territory is comprised in that of the regional county municipality may indicate that its planning program or any of its planning by-laws need not be amended for the purpose of taking the revision of the plan into account."

31. Section 59.5 of the Act is amended by replacing the second paragraph by the following paragraph:

"For the purposes of the first paragraph, "concordance by-law" means any by-law that is needed to ensure the conformity referred to in that paragraph and by which a municipality adopts or amends any planning by-law."

32. Section 59.6 of the Act is amended by replacing the first paragraph by the following paragraph:

"After the coming into force of the revised RCM plan, the council of each municipality whose territory is comprised in that of the regional county municipality may indicate that any of the municipality's planning by-laws is in conformity with its planning program."

33. The Act is amended by inserting the following subdivision after section 59.9:

"§3. — *Monitoring of concordance*

"**60.** A responsible body must inform the Minister if it ascertains, with respect to its metropolitan plan or RCM plan, that a regional county municipality or municipality has failed to adopt a concordance by-law required by this division."

34. Section 61 of the Act is replaced by the following section:

"**61.** A responsible body whose council has adopted a draft by-law amending or revising its metropolitan plan or RCM plan may, in accordance with subdivisions 2 to 4, impose interim control in relation to that process.

The same applies to a responsible body whose council, by adopting a resolution for that purpose, expresses the intention to adopt in the near future a draft by-law amending or revising its metropolitan plan or RCM plan."

35. Section 71.0.4 of the Act is amended by replacing "subparagraph 2.1 of the first paragraph" by "the third paragraph".

36. The Act is amended by inserting the following chapter after section 72:

"**CHAPTER I.0.2**

"NATIONAL LAND USE PLANNING REPORT

"**73.** The Minister is responsible for assessing the state of land use planning in the territory of Québec.

The Minister shall measure, by means of national targets and indicators adopted by the Government, the progress made in that area.

"**74.** The Minister shall produce, every four years, a national land use planning report containing the following:

(1) a status report on land use planning in the territory of Québec; and

(2) reporting on the achievement of government targets with respect to land use planning.

"**75.** The Minister may request that a responsible body or a municipality send him any information or document he considers necessary for the production of the national report.

"**75.0.1.** The Minister shall table the national report in the National Assembly not later than six months after the end of the period for which it is produced or, if the Assembly is not sitting, within 15 days of resumption."

37. The Act is amended by inserting the following chapter before Chapter I.1 of Title I:

"**CHAPTER I.0.3**

"NATIONAL LAND USE PLANNING POLICY

"**75.0.2.** The Minister shall develop a national land use planning policy and propose it to the Government.

In preparing the policy, the Minister shall consult the authorities representing the municipal sector and any other civil society organization he considers relevant. The Minister shall also consult the Indigenous communities concerned where circumstances so require.

The Minister shall ensure the implementation of the policy and shall propose that the policy be updated when he considers it necessary."

38. Section 75.11 of the Act is amended by replacing "any of sections 53.12 to 53.14" in subparagraph 2 of the fourth paragraph by "section 53.12 or 53.13".

39. Section 79.19.2 of the Act is amended by inserting "or on any later date prescribed by the by-law" at the end of the first paragraph.

40. Section 79.19.10 of the Act is amended by inserting the following paragraph after the second paragraph:

"A by-law may, however, provide that it comes into force on any date after the date provided for in the first or second paragraph."

41. Section 79.19.15 of the Act is amended by inserting "or on any later date prescribed by the by-law" at the end of the first paragraph.

42. The Act is amended by inserting the following subdivision after section 79.19.19:

"§5. — *Ministerial requests*

"**79.19.20.** The Minister may request that a regional county municipality amend a by-law referred to in section 79.2 if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the by-law is consistent with them; or

(2) to improve public safety.

"**79.19.21.** The Minister of Sustainable Development, Environment and Parks may request that a regional county municipality amend a by-law referred to in section 79.2 or 79.3 if the Minister considers that the by-law, considering the distinctive features of the locality, fails to provide adequate protection for wetlands and bodies of water.

"**79.19.22.** The second, fourth, sixth and seventh paragraphs of section 53.12 apply to a request referred to in section 79.19.20 or 79.19.21, with the necessary modifications.

"**79.19.23.** Subdivision 2 does not apply with respect to a by-law that makes only the amendments necessary to comply with a request referred to in paragraph 2 of section 79.19.20 or in section 79.19.21."

43. Division II of Chapter II.1 of Title I of the Act, comprising sections 79.20 and 79.21, is repealed.

44. Division II of Chapter III of Title I of the Act, comprising sections 83 to 86, is replaced by the following division:

"**DIVISION II**

"CONTENTS OF THE PLANNING PROGRAM

"**83.** The planning program determines sustainable land use planning and development for the territory of the municipality in harmony with the RCM plan. It defines policy directions and contains objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the planning program must

(1) describe the organization of the territory;

(2) determine land uses and, within any urbanization perimeter, minimum land occupation densities;

(3) plan the consolidation of any part of the territory to be consolidated on a priority basis;

(4) plan the organization of transportation, in particular the various modes of transportation, in a manner that is integrated with land use planning in the territory;

(5) describe anticipated housing needs and set out measures for meeting those needs;

(6) plan where local services and equipment are to be located and provide measures to facilitate their accessibility;

(7) define the infrastructure and equipment projects that are useful or necessary for pursuing the defined policy directions and objectives and for achieving the defined targets;

(8) set out measures to ensure the protection and availability of water resources;

(9) determine any part of the territory or any immovable that is of historical, cultural, aesthetic or ecological interest, and set out measures to ensure its protection or enhancement; and

(10) identify any part of the municipal territory that is sparsely vegetated, very impervious or subject to the urban heat island phenomenon, and describe any measure to mitigate the harmful or undesirable effects of those characteristics.

"**84.** The planning program may include a special planning program for part of the territory of the municipality. The special planning program may contain elements aimed at fostering sustainable urban planning and objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the special planning program must

(1) state the objectives pursued;

(2) plan in detail land use development in the part of the territory it concerns; and

(3) specify the urban planning rules and criteria proposed.

"**85.** A municipality may, by by-law, adopt a program to acquire immovables, by agreement or expropriation, for all or part of the territory covered by a special planning program, with a view to alienating or leasing the immovables for the purposes provided for in the special planning program.

The municipality may implement the program to acquire immovables once the planning by-laws consistent with the special planning program are in force. It may administer any immovable it holds under the program and carry out any work on it.

"**86.** A municipality may acquire any immovable, by agreement or expropriation, even if the immovable is not covered by a program to acquire immovables, with a view to alienating it or leasing it to a person who requires it to carry out a project that is consistent with a special planning program, if the person is already the owner of land or the beneficiary of a promise of sale of land representing two-thirds of the area the person needs to carry out the project.

The municipality may administer any immovable it holds under the first paragraph and carry out any work on it.

"**87.** A municipality may, by by-law, adopt a revitalization program for all or part of its territory for which the planning program contains such an objective.

Such a program may, in particular, establish classes of immovables, persons or activities to which it applies and specific rules for each of those classes.

Despite the Municipal Aid Prohibition Act (chapter I-15), such a program may allow financial assistance to be granted for up to 10 years, including in the form of a tax credit, for any purpose provided for in the program."

45. Section 95 of the Act is amended by replacing the third paragraph by the following paragraph:

"It may also, where applicable, submit to consultation any other draft planning by-law."

46. Section 102 of the Act is amended

(1) by replacing "90" and ", where the complementary document so requires, the by-law contemplated in section 116," in the first paragraph by "180" and "any other by-law whose adoption is required by the complementary document", respectively;

(2) by replacing "zoning by-law, a subdivision by-law, a building by-law, a by-law contemplated in section 116 or a by-law to the same effect adopted under another Act" in the second paragraph by "planning by-law";

(3) by replacing "the zoning by-law, the subdivision by-law, the building by-law, the by-law contemplated in section 116 or a by-law to the same effect adopted under another Act" in the third paragraph by "a by-law referred to in the second paragraph".

47. Section 109.7 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

"However, the council must refuse to give its opinion if the municipality has failed to make a concordance amendment to its planning program or to any of its planning by-laws, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure; or

(2) is necessary, in the regional county municipality's opinion, for reasons of public safety, public health or environmental protection.";

(2) by adding the following sentence at the end of the second paragraph: "The resolution by which the council refuses to give its opinion must identify the concordance amendments the municipality has failed to make.";

(3) by replacing "approval of the by-law is withheld" in the fourth paragraph by "the council of the regional county municipality withholds approval of the by-law or refuses to give its opinion".

48. Section 109.8 of the Act is amended by adding the following paragraph at the end:

"The first, second and third paragraphs do not apply where the municipality has failed to act under the second paragraph of section 109.7."

49. The Act is amended by inserting the following section after section 109.8:

"**109.8.0.1.** The council of the municipality may, by resolution, request that the clerk or clerk-treasurer send the by-law to the regional county municipality again once the municipality has remedied the failure that was the reason for a refusal to give an opinion under the second paragraph of section 109.7. Section 109.6 applies to that sending, with the necessary modifications."

50. Section 110.3.1 of the Act is replaced by the following section:

"**110.3.1.** The council of the municipality may revise the planning program according to the process set out in sections 109.1 to 109.8.0.1, 109.9 and 110 to 110.3, with the necessary modifications."

51. Section 110.4 of the Act is amended

(1) by replacing "or revising the planning program" in the first paragraph by "the planning program or within 180 days after the coming into force of a by-law revising the planning program";

(2) by replacing the second paragraph by the following paragraph:

"For the purposes of the first paragraph, "concordance by-law" means any by-law that is needed to ensure the conformity referred to in that paragraph and by which a municipality adopts or amends any planning by-law."

52. Section 110.5 of the Act is amended by replacing "to the zoning by-law, subdivision by-law or building by-law, to any of the by-laws under Divisions VII to XII of Chapter IV or under Chapter V.0.1 or to the by-law provided for in section 116" in the first paragraph by "to any of its planning by-laws".

53. Section 110.6 of the Act is amended

(1) by replacing "the zoning by-law, subdivision by-law or building by-law of the municipality, any of its by-laws under Divisions VII to XII of Chapter IV or under Chapter V.0.1 or its by-law provided for in section 116" in the first paragraph by "any of its planning by-laws";

(2) by replacing the third paragraph by the following paragraph:

"If a replacement by-law referred to in section 110.10.1 was adopted before the coming into force of the by-law revising the planning program, the council is exempted from being required to indicate that the replaced by-law need not be amended to bring it into conformity with the planning program."

54. Subdivision 3 of Division VI.1 of Chapter III of Title I of the Act, comprising section 110.10.1, is replaced by the following subdivision:

"§3. — *Replacement of certain by-laws*

"**110.10.1.** To replace the zoning by-law, conditional use by-law or incentive zoning by-law, the council of the municipality shall, on pain of nullity, adopt the replacement by-law not earlier than the day it adopts the by-law revising the planning program and not later than the day that is 180 days after the day of the coming into force of the revised planning program.

The replacement by-law must be in conformity with the revised planning program.

The adoption of a replacement by-law exempts the council from the obligation to adopt a concordance by-law referred to in section 110.4."

55. Section 111 of the Act is replaced by the following section:

"**111.** A municipality whose council has adopted a draft by-law amending or revising its planning program may, in accordance with subdivisions 2 to 4, impose interim control in relation to that process.

The same applies to a municipality whose council, by adopting a resolution for that purpose, expresses the intention to adopt in the near future a draft by-law amending or revising its planning program."

56. Section 113 of the Act is amended

(1) in the second paragraph,

(*a*) by striking out ", and the land occupation densities" in subparagraph 3;

(*b*) by inserting "the land occupation densities," after "sector of a zone," in subparagraph 5;

(*c*) by replacing "purchase or develop immovables to be used for parking purposes" in subparagraph 10.1 by "finance capital expenditures intended to improve the supply of public parking or of active or shared transportation";

(*d*) by replacing "land uses" in subparagraphs 16 and 16.1 by "uses, activities";

(2) by inserting "activities," after "uses," in the sixth paragraph.

57. Section 115 of the Act is amended

(1) by inserting "or a servitude" after "land" in subparagraph 7.1 of the second paragraph;

(2) in the fourth paragraph,

(*a*) by inserting "or a servitude" and "or servitude" after "transfer a parcel of land" and "area of the land", respectively;

(*b*) by adding the following sentence at the end: "Where such an operation concerns an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), only the area of the part of the site that is intended for non-agricultural purposes must be considered.";

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

"For the purposes of subparagraph 7.1 of the second paragraph,

(1) the acquisition of a servitude by a municipality entails the right to develop the site of the servitude, in particular by the construction of infrastructures or equipment the use of which is inherent in the use or maintenance of a public water access point; and

(2) no term may be stipulated with respect to a servitude acquired by a municipality."

58. Section 117.1 of the Act is amended, in the first paragraph,

(1) by striking out "in any part of the territory of the municipality determined by the by-law";

(2) by inserting ", in respect of any part of the territory of the municipality," after "prescribe".

59. Section 117.2 of the Act is amended

(1) by inserting "or a servitude" after "municipality a parcel of land" in the first paragraph;

(2) by replacing the second paragraph by the following paragraphs:

"However, none of the conditions set out in the first paragraph may be imposed in the case of

(1) a cancellation, correction or replacement of lot numbers which does not result in an increase of the number of lots; or

(2) a plan relating to a cadastral operation or a building permit, in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), where such an operation is carried out or such a permit is issued solely for agricultural purposes.

The by-law may specify any other case in which none of the conditions may be imposed.";

(3) by inserting "or servitude", "or a servitude" and "is" after "The land", "to land" and "but", respectively, in the third paragraph;

(4) by replacing the fourth paragraph by the following paragraph:

"For the purposes of this division,

(1) the word "site" means, as the case may be, the site of the immovable referred to in the second paragraph of section 117.1 or the land included in the plan referred to in the first paragraph of that section;

(2) the acquisition of a servitude by a municipality entails the right to develop the site of the servitude, in particular by the construction of infrastructures or equipment the use of which is inherent in the use or maintenance of a park, playground or natural area; and

(3) no term may be stipulated with respect to a servitude acquired by a municipality."

60. Section 117.3 of the Act is amended

(1) by inserting "or servitude" after "land" in the first paragraph;

(2) by replacing "lands" and "land" in the second paragraph by "lands or servitudes";

(3) by inserting "or a servitude" after "land" in the third paragraph.

61. Section 117.4 of the Act is amended

(1) by inserting "or servitude" after "land" in the first and second paragraphs;

(2) by inserting "or a servitude" after "of land" in the third and fourth paragraphs;

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

"For the purposes of the first paragraph, in the case of a plan relating to a cadastral operation in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), only the area and the value of the part of the site that is intended for non-agricultural purposes must be considered."

62. Section 117.5 of the Act is amended

(1) by inserting “or a servitude” after “land”;

(2) by replacing “third” by “fourth”.

63. Section 117.6 of the Act is amended

(1) by inserting “or servitude” after “land” in the first paragraph;

(2) by replacing “land other than land” in the third paragraph by “land or servitude other than those”;

(3) by inserting “for the purpose of establishing the value of land” after “municipality” in the fourth paragraph.

64. Section 117.7 of the Act is amended by inserting “or of the servitude” after “land” in the second paragraph.

65. Section 117.8 of the Act is amended by inserting “, servitude or site” after all occurrences of “the land”.

66. Section 117.9 of the Act is amended by inserting “, servitude or site” after “land” in the second paragraph.

67. Section 117.11 of the Act is amended by inserting “, servitude or site” after “land” in the first paragraph.

68. Sections 117.13 and 117.14 of the Act are amended by inserting “or servitude” after “land” in the second paragraph.

69. Section 117.15 of the Act is amended

(1) by inserting “or a servitude” after “Land” in the first paragraph;

(2) by inserting “or a servitude” after “land” in the second paragraph;

(3) by replacing the third paragraph by the following paragraph:

“The fund may be used only to acquire or develop land or servitudes to be used for parks, playgrounds or public water access points, to acquire land or servitudes to be used for natural areas, or to acquire plants and plant them on the immovables the municipality owns or on the site of a servitude it holds. It may also be used for the payment of the expenditures of a regional county municipality that are related to a regional park. For the purposes of this paragraph, the development of land or of the site of a servitude includes the construction on it of a building or of another infrastructure or other equipment the use of which is inherent in the use or maintenance of a park, playground, public water access point or natural area.”

70. Section 123 of the Act is replaced by the following section:

"**123.** Sections 124 to 127 apply with respect to planning by-laws, except a by-law referred to in Division IV, and by-laws amending or replacing such by-laws.

However,

(1) sections 124 to 127 do not apply with respect to by-laws that are applicable to unorganized territories and that are not subject to approval by way of referendum; and

(2) sections 125 to 127 do not apply with respect to by-laws whose sole purpose is to enable the carrying out of a project that relates to housing intended for persons requiring protection.

For the purposes of this division, a by-law that is subject to approval by way of referendum is a by-law that

(1) is designed to amend the zoning by-law by adding, amending, replacing or striking out a provision that concerns a matter referred to in any of subparagraphs 1 to 5, 6 and 17 to 23 of the second paragraph of section 113 or in the third paragraph of that section; and

(2) is not a concordance by-law making an amendment referred to in subparagraph 1, under section 58, 59, 59.5, 102 or 110.4, for the sole purpose of taking into account an amendment to or the revision of the RCM plan or the coming into force of the original planning program or of the amendment to or revision of the planning program.

For the purposes of this division, the following are also subject to approval by way of referendum:

(1) the conditional use by-law and any by-law that amends it; and

(2) the incentive zoning by-law, if it provides a replacement standard that concerns a matter referred to in any of the provisions mentioned in subparagraph 1 of the third paragraph, and any by-law adding, amending, replacing or striking out such a standard."

71. Section 123.1 of the Act is replaced by the following section:

"**123.1.** Despite the third and fourth paragraphs of section 123, a provision whose purpose is to enable the carrying out of a project relating to any of the following objects does not make a by-law subject to approval by way of referendum:

(1) collective equipment within the meaning of the fourth paragraph;

(2) housing intended for persons in need of help, protection, care or shelter, in particular under a social housing program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8); or

(3) a cemetery.

In addition, a provision does not make a by-law subject to approval by way of referendum if, in a zone where residential use is permitted,

(1) it enables the building or occupation of accessory dwellings; or

(2) it amends, in order to increase land occupation density, a standard referred to in subparagraph 5 or 6 of the second paragraph of section 113 or a standard relating to the number of dwellings that may be built in a building, provided any of the following conditions is met:

(*a*) the variation does not exceed one-third of the standard's initial value;

(*b*) the variation does not exceed half of the standard's initial value, where the standard applies only to

i. a zone in which there is a point of access for shared transportation that is operated on rails or on another thoroughfare that is intended exclusively for shared transportation; or

ii. a zone contiguous to the zone referred to in subparagraph i; or

(*c*) in the case of a standard relating to the height of buildings or to the number of dwellings that may be built in a building, the variation does not exceed whatever is necessary to allow a building to have an additional storey or to include an additional dwelling, as the case may be, if meeting a condition set out in subparagraph *a* or *b* does not make it possible to achieve that end.

Subparagraph 2 of the second paragraph does not apply to a provision amending a standard that was amended under that subparagraph in the four preceding years.

For the purposes of the first paragraph, "collective equipment" means

(1) any equipment that belongs to a municipality or a responsible body; and

(2) equipment that belongs to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and that is related to the health, education, culture or sports and recreation sectors."

72. Section 130 of the Act is amended

(1) by striking out "or subparagraph 3 of the second paragraph of section 115" in the second paragraph;

(2) by striking out "or the third paragraph of section 115" in the third paragraph.

73. Section 136.0.1 of the Act is amended

(1) by replacing "by-law adopted under section 134 that, pursuant to section 110.10.1, replaces the zoning or subdivision by-law" and "third" in the first paragraph by "replacement by-law referred to in section 110.10.1" and "second", respectively;

(2) by striking out the second paragraph;

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

"If the qualified voters withhold approval of a replacement by-law, a new by-law may be adopted within 90 days after the approval was withheld, despite the expiry of the period prescribed in section 110.10.1."

74. Section 137.2 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"As soon as practicable after the adoption of a planning by-law or of a by-law that amends or replaces such a by-law, the clerk or the clerk-treasurer shall transmit a certified copy of the by-law and of the resolution adopting it to the regional county municipality whose territory includes that of the municipality.";

(2) by replacing "third" in the second paragraph by "second".

75. Section 137.3 of the Act is replaced by the following section:

"**137.3.** Within 120 days after the documents described in the first paragraph of section 137.2 are transmitted, the council of the regional county municipality shall approve the by-law if it is in conformity with the objectives of the RCM plan and with the provisions of the complementary document or, if not, it shall withhold approval.

However, the council must refuse to give its opinion if the municipality has failed to make a concordance amendment to its planning program or to any of its planning by-laws, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure; or

(2) is necessary, in the regional county municipality's opinion, for reasons of public safety, public health or environmental protection.

The resolution by which the council of the regional county municipality withholds approval of the by-law must include reasons and identify the provisions of the by-law that are not in conformity. The resolution by which the council refuses to give its opinion must identify the concordance amendments the municipality has failed to make.

As soon as practicable after the adoption of the resolution by which the by-law is approved, the secretary shall issue a certificate of conformity in respect of the by-law and transmit a certified copy of the certificate to the municipality. However, where the by-law must also be approved by qualified voters and such approval has not been given when the council gives its approval, the documents which must be issued or transmitted under the first paragraph must be issued or transmitted as soon as practicable after the regional county municipality receives the notice provided for in the third paragraph of section 137.2. However, no certificate of conformity may be issued in respect of a replacement by-law referred to in section 110.10.1 as long as a certificate of conformity has not been issued in respect of the by-law revising the planning program.

As soon as practicable after the adoption of the resolution by which the council of the regional county municipality withholds approval of the by-law or refuses to give its opinion, the secretary shall transmit a certified copy of the resolution to the municipality.

In the case of a replacement by-law referred to in section 110.10.1, a new by-law may be adopted within 90 days after the approval was withheld, despite the expiry of the period prescribed in that section."

76. Section 137.4 of the Act is amended by adding the following paragraph at the end:

"The first, second and third paragraphs do not apply where the municipality has failed to act under the second paragraph of section 137.3."

77. The Act is amended by inserting the following section after section 137.4:

"**137.4.0.1.** The council of the municipality may, by resolution, request that the clerk or clerk-treasurer send the by-law to the regional county municipality again once the municipality has remedied the failure that was the reason for a refusal to give an opinion under the second paragraph of section 137.3. The first paragraph of section 137.2 applies to that sending, with the necessary modifications."

78. Section 137.5 of the Act is amended

(1) by replacing the last sentence of the fourth paragraph by the following sentence: "However, no certificate of conformity may be issued in respect of a replacement by-law referred to in section 110.10.1 as long as a certificate of conformity has not been issued in respect of the by-law revising the planning program.";

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

"In the case of a replacement by-law referred to in section 110.10.1, a new by-law may be adopted within 90 days after receipt of the assessment stating that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document, despite the expiry of the period prescribed in that section."

79. Section 137.9 of the Act is amended by striking out the third paragraph.

80. Section 137.14 of the Act is amended by adding the following sentence at the end of the third paragraph: "In the case of a replacement by-law referred to in section 110.10.1, the new by-law may be adopted despite the expiry of the period prescribed in that section."

81. Section 137.15 of the Act is amended

(1) by inserting the following paragraph after the second paragraph:

"A by-law may, however, provide that it comes into force on any date after the date determined in accordance with the first or second paragraph.";

(2) by replacing "provided for in the first or second paragraph" in the third paragraph by "of the by-law".

82. Section 137.16 of the Act is amended by replacing the third paragraph by the following paragraph:

"A replacement by-law referred to in section 110.10.1 must not come into force before the by-law revising the planning program."

83. Section 145.33 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to an application whose sole object is the carrying out of a project that relates to housing intended for persons requiring protection."

84. The Act is amended by inserting the following division after section 145.35:

"**DIVISION X.1**

"INCENTIVE ZONING

"**145.35.1.** The council of a municipality that has an advisory planning committee may, in accordance with the policy directions defined for that purpose in the planning program, adopt an incentive zoning by-law.

"**145.35.2.** The by-law may contain any standard that complies with section 113, excluding a standard relating to uses, and that is intended to apply in replacement of a standard contained in the zoning by-law. A replacement standard applies to a project subject to the making of an agreement between the municipality and the applicant for the building permit or certificate of authorization related to the project.

The by-law must

(1) describe any prestation, included among the following categories, that may be required of the applicant under an agreement:

(*a*) integrating affordable, social or family housing units in the project,

(*b*) complying with any condition relating to the carrying out of the project that enables environmental performance objectives to be achieved,

(*c*) carrying out or establishing, on the site to which the application relates or near that site, any development or equipment of public interest, and

(*d*) preserving or restoring an immovable that has heritage value;

(2) set the criteria based on which any such prestation may be required or provide that the council of the municipality is to decide in each case which prestation is required; and

(3) determine the financial guarantees that may be required of the applicant.

"**145.35.3.** The agreement between the municipality and the applicant may set out any condition relating to the performance of the applicant's prestation.

"**145.35.4.** The resolution that authorizes the making of an agreement referred to in section 145.35.3 must state the replacement standards that apply to the applicant's project and contain a detailed description of the prestation to which the applicant is bound.

The council must, before authorizing the making of such an agreement, submit a draft agreement to the advisory planning committee.

The council may also submit the draft agreement to a public consultation held in accordance with sections 125 to 127, with the necessary modifications."

85. Section 145.38 of the Act is amended

(1) by inserting ", subject to the first paragraph of section 123.1" at the end of the third paragraph;

(2) by inserting the following paragraph after the third paragraph:

"However, sections 125 to 127 and 145.39 do not apply with respect to a resolution whose sole purpose is to authorize the carrying out of a project that relates to housing intended for persons requiring protection."

86. Section 145.42 of the Act is amended by inserting "or 16.1" and "or 4.1" after "16" and "4", respectively, in the first paragraph.

87. The Act is amended by inserting the following section after section 147:

"**147.1.** Every committee member must, not later than the day that is three months after the beginning of his term of office, undergo training on his role and responsibilities on the committee.

The obligation set out in the first paragraph does not apply to a committee member who has already undergone such training."

88. The Act is amended by inserting the following section after section 148.0.0.3:

"**148.0.0.3.1.** Every committee member must, not later than the day that is three months after the beginning of his term of office, undergo training on his role and responsibilities on the committee.

The obligation set out in the first paragraph does not apply to a committee member who has already undergone such training."

89. Section 149 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

"(6) an intervention mentioned in any of subparagraphs 1 to 3 of the first paragraph for which the Government, any of its ministers or a mandatary of the State has obtained a municipal authorization without being required to obtain one."

90. Section 153 of the Act is amended by inserting the following sentence after the first sentence of the third paragraph: "The Minister must also examine the consistency of each of the amendments with government policy directions and, where applicable, justify any amendment the Minister considers is not consistent."

91. Section 227 of the Act is amended, in subparagraph 1 of the first paragraph,

(1) by replacing "and 145.21" in subparagraph *b* by ", 145.21 and 145.35.1";

(2) by inserting "145.35.3," after "145.21," in subparagraph *e*;

(3) by inserting "in section 145.35.4," after "referred to" in subparagraph *f*.

92. Section 234.1 of the Act is amended by striking out the third paragraph.

93. Section 234.2 of the Act is amended by replacing "any of sections 53.12 to 53.14" in subparagraph 2 of the fifth paragraph by "section 53.12 or 53.13".

94. Section 237.2 of the Act is amended by replacing "to the by-law that replaces the zoning or subdivision by-law" in the second paragraph by "to a replacement by-law referred to in section 110.10.1".

95. Section 237.3 of the Act is amended by inserting the following subparagraph after subparagraph 5 of the first paragraph:

"(5.1) the making of incentive zoning agreements in accordance with sections 145.35.3 and 145.35.4;".

96. Section 239 of the Act is replaced by the following section:

"**239.** In the event of failure, real or apprehended, of a responsible body, a municipality or the Commission to comply with a period or term prescribed by this Act or by an instrument made under this Act, the Minister may, on his own initiative or at the request of the responsible body, municipality or Commission, provide a new time limit.

The Minister may also extend the period granted to him by section 53.7, without exceeding a total period of 120 days.

The Minister's decision has effect immediately. A notice of the decision must be notified to the municipality or body concerned by the failure referred to in the first paragraph or to the Commission, as applicable, and published, as soon as practicable, in the *Gazette officielle du Québec*. In the case of a decision referred to in the second paragraph, the notice must be notified to the responsible body that adopted the by-law sent to the Minister in accordance with section 53.7.

Any responsible body or municipality that receives a notice referred to in the third paragraph must publish it on its website as soon as practicable. If a municipality does not have a website, the notice must be published on the website of the regional county municipality whose territory includes that of the municipality."

97. Section 264 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing subparagraph 2 by the following subparagraph:

"(2) section 84 applies to Ville de Laval, with the following modifications:

(*a*) the special planning program may be adopted independently from a planning program,

(*b*) the provisions of this Act relating to the planning program apply to the special planning program, with the necessary modifications, except sections 83 and 98, and

(*c*) the special planning program must include the general aims of land development policy in the territory of the municipality regarding the part of that territory to which it applies;";

(*b*) by striking out subparagraph 3;

(*c*) by replacing "programme" in subparagraph 5 in the French text by "plan";

(2) by replacing "subparagraphs 2 and 3 of the second paragraph cease" in the third paragraph by "subparagraph 2 of the second paragraph ceases".

98. Section 264.0.1 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing subparagraph 2 by the following subparagraph:

"(2) section 84 applies to Ville de Mirabel, with the following modifications:

(*a*) the special planning program may be adopted independently from a planning program,

(*b*) the provisions of this Act relating to the planning program apply to the special planning program, with the necessary modifications, except sections 83 and 98, and

(*c*) the special planning program must include the general aims of land development policy in the territory of the municipality regarding the part of that territory to which it applies;";

(*b*) by striking out subparagraph 3;

(*c*) by replacing "programme" in subparagraph 4 in the French text by "plan";

(2) by replacing "subparagraphs 2 and 3 of the second paragraph cease" in the third paragraph by "subparagraph 2 of the second paragraph ceases".

99. Section 264.0.9 of the Act is amended, in the second paragraph,

(1) by replacing "or subdivision by-law" by "by-law, conditional use by-law or incentive zoning by-law";

(2) by adding the following sentence at the end: "However, the replacement by-law may be adopted not later than the day that is two years after the day of coming into force of the by-law that revises the single document."

100. Section 267 of the Act is amended by replacing "65, 79.9 and 79.19.4" in the first paragraph by "57.9, 65, 79.9, 79.19.4 and 79.19.20".

101. Section 267.1 of the Act is amended by replacing "subparagraph 2.1 of the first paragraph" in the first paragraph by "the third paragraph".

CHARTER OF VILLE DE LONGUEUIL

102. Section 72 of the Charter of Ville de Longueuil (chapter C-11.3) is amended

(1) by inserting ", X.1" after "X" in the first paragraph;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) a replacement by-law referred to in section 110.10.1 of that Act shall not be adopted later than the day that is two years after the day of the coming into force of the revised planning program;".

103. Section 40 of Schedule C to the Charter is repealed.

104. Section 41 of Schedule C to the Charter is amended by replacing all occurrences of "programme" in the first paragraph in the French text by "plan".

105. Section 47 of Schedule C to the Charter is amended by replacing the last sentence of the first paragraph by the following sentence: "Section 87 of the Act respecting land use planning and development (chapter A-19.1) applies to that program, with the necessary modifications."

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

106. Section 131 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended

(1) by inserting ", X.1" after "X" in the first paragraph;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) a replacement by-law referred to in section 110.10.1 of that Act shall not be adopted later than the day that is two years after the day of the coming into force of the revised planning program;".

107. Section 152 of Schedule C to the Charter is repealed.

108. Sections 220.1 to 220.4 of Schedule C to the Charter are replaced by the following section:

"**220.1.** The city may apply for the constitution of a non-profit body dedicated to developing and managing parking as well as a network of electric vehicle charging stations.

The body may also exercise any power, except a regulatory power, that the city delegates to it

(1) from among those referred to in subdivision 9 of Division II of Chapter III of this Charter;

(2) in order to promote mobility, including sustainable or shared mobility, notwithstanding section 1 of this Schedule; or

(3) from among the powers delegated to the city by the Act respecting remunerated passenger transportation by automobile (chapter T-11.2).

A reconstituted municipality in the urban agglomeration of Montréal may enter into an agreement with the body to entrust it with the exercise of any power provided for in the first or second paragraph, with the necessary modifications.

The body may carry on commercial activities related to the purposes mentioned in the first paragraph and in subparagraphs 1 and 2 of the second paragraph. It may grant subsidies for the same purposes and for the purposes mentioned in subparagraph 3 of the second paragraph.

For the purposes of this section, the resolution by which the urban agglomeration council delegates one of its powers must be adopted by a majority vote of the members representing the central municipality and a majority vote of the members representing the reconstituted municipalities."

109. Section 229 of Schedule C to the Charter is amended by replacing ", 220 or 220.1" by "or 220".

110. Section 274 of Schedule C to the Charter is amended by striking out "and has full authority over the body referred to in section 220.1".

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

111. Section 115 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended

(1) by inserting ", X.1" after "X" in the first paragraph;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) a replacement by-law referred to in section 110.10.1 of that Act shall not be adopted later than the day that is two years after the day of the coming into force of the revised planning program;".

112. Section 168 of Schedule C to the Charter is replaced by the following section:

"**168.** Despite section 118.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), the city may collect, from insurers authorized under the Insurers Act (chapter A-32.1) that transact fire insurance and that do business in the territory of the urban agglomeration of Québec, an amount equal to 3/4 of the city's expenditures for the remuneration, employee benefits and other conditions of employment of any person assigned to determining the point of origin, probable causes and circumstances of fires under the Fire Safety Act (chapter S-3.4) as well as for the support services and material resources the city puts at such a person's disposal.

The city shall establish by by-law the annual proportion payable by those insurers, the rules of collection and any other terms necessary for the purposes of this section."

CITIES AND TOWNS ACT

113. Section 28 of the Cities and Towns Act (chapter C-19) is amended by inserting ", except any immovable intended for persons requiring protection," after "each property" in subsection 1.0.1.

114. Section 487 of the Act is amended by replacing "programme" in subparagraph 3 of the second paragraph in the French text by "plan".

MUNICIPAL CODE OF QUÉBEC

115. Article 6.1 of the Municipal Code of Québec (chapter C-27.1) is amended by inserting ", except any immovable intended for persons requiring protection," after "each property".

116. Article 979 of the Code is amended by replacing "programme" in subparagraph 3 of the second paragraph in the French text by "plan".

MUNICIPAL POWERS ACT

117. The Municipal Powers Act (chapter C-47.1) is amended by inserting the following subdivision after section 28:

"§3. — *Capacity of systems or water resources*

"**29.** A local municipality may adopt a provisional by-law to prohibit, for a period not exceeding two years, any intervention to carry out work or to use an immovable if the intervention could

(1) create needs exceeding the capacity of a water supply, sewer or water purification system; or

(2) result in insufficient water resources or deterioration of their quality.

A prohibition referred to in the first paragraph may be renewed by means of a new provisional by-law.

"**30.** Once the draft of a by-law referred to in section 29 has been tabled at a sitting of the council, no municipal authorization may be issued with respect to an intervention that would be prohibited if the by-law was adopted.

In the event that an application for authorization is substantially complete and complies with the by-laws in force at the time the draft by-law is tabled, the issue of the authorization must be suspended as long as the intervention remains prohibited under the first paragraph or by a by-law made under section 29. Such a by-law may, however, terminate the suspension.

The first paragraph ceases to have effect on the earlier of

(1) the date of coming into force of the by-law; and

(2) the date that is four months after the tabling of the draft by-law.

"**31.** Before adopting a by-law referred to in section 29, except a by-law that only renews a prohibition in force, the municipality must hold a public consultation on the draft by-law.

The public consultation must include a public meeting during which the representative of the municipality explains the draft by-law and hears the persons and bodies wishing to express an opinion. The representative must also explain the measures the municipality has taken or intends to take to solve any problem that makes such a by-law necessary.

The municipality announces the public meeting by means of a notice published not later than seven days before it is held."

118. Section 91 of the Act is amended by inserting ", or of the measures to restore wetlands and bodies of water described in section 46.0.2 of the Environment Quality Act (chapter Q-2) or any other natural environment to, or keep them in, their natural state" at the end of the third paragraph.

119. Section 91.2 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"A local municipality may grant assistance for the carrying out of work to mitigate risks of disaster or to maintain, upgrade or rehabilitate a dam. The local municipality may also, with the consent of the owner of the immovable, carry out such work itself.";

(2) by replacing "dam" in the third and fourth paragraphs by "immovable";

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

"The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under this section for the carrying out of work to mitigate risks of disaster."

120. The Act is amended by inserting the following section after section 91.2:

"**91.3.** A local municipality may, by by-law and in accordance with the policy directions defined for that purpose in its planning program, establish a program under which it grants assistance, including in the form of tax credits, to any owner of a single-family housing unit having the following characteristics:

(1) it includes an accessory dwelling; and

(2) one of the dwellings is occupied either by a caregiver of the occupant of the other dwelling or by a person who is or was related by blood or allied, including through a de facto spouse, to the occupant of the other dwelling."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

121. Section 553 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by striking out the following sentence in the third paragraph: "Unless the clerk or the clerk-treasurer has a list of all those persons, their number shall be considered equal to the total sum of housing units, non-residential immovables and business establishments situated in the territory of the municipality or, as the case may be, in the sector concerned."

ACT RESPECTING MUNICIPAL TAXATION

122. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 73:

"**73.1.** For the purposes of section 73 and of any public presentation of the entries contained in the roll, the clerk shall withdraw the name and address of a person in whose name a unit of assessment is entered if that person has submitted to the clerk a request stating that access to that information could endanger the person's safety or the safety of a person occupying or using an immovable included in the unit.

The first paragraph applies despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)."

CULTURAL HERITAGE ACT

123. Section 127 of the Cultural Heritage Act (chapter P-9.002) is amended by replacing the second paragraph by the following paragraph:

"A heritage site must, in the case of a local municipality, be included in a part of the territory identified in its planning program under subparagraph 9 of the second paragraph of section 83 of the Act respecting land use planning and development (chapter A-19.1) or, in the case of a regional county municipality, be included in a part of the territory identified in its land use and development plan under subparagraph 9 of the second paragraph of section 5 of that Act."

124. Section 132 of the Act is amended

(1) by replacing "zone identified in the planning program of the municipality as a zone to be protected" in the first paragraph by "part of the territory identified in its planning program under subparagraph 9 of the second paragraph of section 83 of the Act respecting land use planning and development (chapter A-19.1)";

(2) by replacing "in a part of the territory identified in the regional county municipality's land use and development plan as a part that is of interest under subparagraph 6 of the first" in the third paragraph by "in a part of the territory identified in the regional county municipality's land use and development plan under subparagraph 9 of the second".

125. Section 162 of the Act is replaced by the following section:

"**162.** On the date of coming into force of the planning program of a local municipality, sections 138 to 141 and 151 cease to apply in respect of all or part of a heritage site that is not included in a part of the territory identified in its planning program under subparagraph 9 of the second paragraph of section 83 of the Act respecting land use planning and development (chapter A-19.1). Those sections also cease to apply on the date of coming into force of the land use and development plan of a regional county municipality in respect of all or part of a heritage site that is not included in a part of the territory identified in that plan under subparagraph 9 of the second paragraph of section 5 of that Act."

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

126. Section 79.12 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended by replacing paragraph 3 by the following paragraph:

"(3) that the by-law has already been found to be in conformity with the objectives of the RCM land use planning and development plan that are referred to in the third paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1)."

FIRE SAFETY ACT

127. Section 88 of the Fire Safety Act (chapter S-3.4) is amended by replacing "under section 9 of" and "or section 9 of" by "under" and "or under", respectively.

CHARTER OF THE CITY OF LAVAL

128. Section 51*b* of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted for Ville de Laval by section 12 of the Charter of the City of Laval (1965, 1st session, chapter 89), is amended by adding the following paragraphs at the end:

"The rules may, with respect to a power of the executive committee that is granted to it by law and, to the extent permitted by by-law of the council, with respect to a power of the council delegated to the executive committee, provide for the delegation of such a power to any officer or employee of the city and determine the conditions and procedures for the exercise of the delegated power.

However, the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (chapter A-19.1), the Act respecting municipal courts (chapter C-72.01), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting municipal territorial organization (chapter O-9) may not be delegated."

TRANSITIONAL AND FINAL PROVISIONS

129. The four-year periods provided for in sections 2.26 and 9 of the Act respecting land use planning and development (chapter A-19.1), enacted by sections 9 and 12, to produce the first metropolitan report or the first regional report begin on the date the Minister of Municipal Affairs, Regions and Land Occupancy determines. The Minister makes the date public by publishing a notice in the *Gazette officielle du Québec*. The Minister may set different dates with respect to different responsible bodies.

130. The four-year period provided for in section 74 of the Act respecting land use planning and development, enacted by section 36, to produce the first national land use planning report begins on the date on which the national targets and indicators are adopted in accordance with the second paragraph of section 73 of the Act respecting land use planning and development, enacted by section 36.

131. The Minister of Municipal Affairs, Regions and Land Occupancy may, before 1 June 2024, request that a responsible body amend a metropolitan land use and development plan or an RCM land use and development plan where the Minister considers it warranted to ensure its consistency with a government policy direction adopted before that date. Section 53.12 of the Act respecting land use planning and development, as replaced by section 21 of this Act, applies to such a request, with the necessary modifications.

132. The provisions of the Act respecting land use planning and development that concern public consultation or approval by way of referendum apply, as they read on 31 August 2023, to the regulatory processes under way on 1 September 2023.

For the purposes of the first paragraph, "regulatory process under way" means a process regarding which a draft by-law referred to in section 124 of the Act respecting land use planning and development has been adopted.

133. The provisions of the Act respecting land use planning and development that concern the examination of conformity apply, as they read on 31 May 2023, to the regulatory processes under way on 1 June 2023.

For the purposes of the first paragraph, "regulatory process under way" means a process regarding which a draft planning by-law referred to in section 124 of the Act respecting land use planning and development has been adopted or, if that section does not apply, regarding which a planning by-law has been adopted.

134. The provisions of the Act respecting land use planning and development that concern the examination of conformity apply, as they read on 30 November 2023, to the regulatory processes under way on 1 December 2023 and to the regulatory processes that are necessary to meet the obligation set out in the second paragraph of section 137 of the Act to amend the Cultural Heritage Act and other legislative provisions (2021, chapter 10).

For the purposes of the first paragraph, "regulatory process under way" means a process regarding which one of the following documents has been adopted:

(1) a by-law amending a metropolitan land use and development plan or an RCM land use and development plan;

(2) a by-law amending or revising a planning program; or

(3) a planning by-law.

This section does not apply to a regulatory process referred to in section 133 of this Act to which the provisions in force on 31 May 2023 continue to apply.

135. Section 553 of the Act respecting elections and referendums in municipalities (chapter E-2.2) applies, as it read on 31 August 2023, to any procedure for the registration of qualified voters regarding which the date of reference, within the meaning of section 514 of that Act, is before 1 September 2023.

136. A local municipality may, before 1 September 2023, adopt a revitalization program under section 85.2 of the Act respecting land use planning and development, as it read before being repealed by section 44.

137. A revitalization program adopted under section 85.2 of the Act respecting land use planning and development, as it read before being repealed by section 44 of this Act, that is in force on 1 September 2023 remains in force until it is repealed.

138. No failure may result from the non-conformity of any metropolitan land use and development plan, RCM land use and development plan or planning program in force on 1 June 2023 with sections 2.24, 5, 6, 83 and 84 of the Act respecting land use planning and development, as amended or replaced by sections 7, 10 and 44 of this Act. This paragraph also applies to any such plan or program revised after that date.

The same applies to any special planning program adopted by Ville de Laval or Ville de Mirabel independently from a planning program.

The first paragraph ceases to have effect on the date determined by the Minister of Municipal Affairs, Regions and Land Occupancy. The Minister may set different times with respect to different responsible bodies or municipalities. The Minister makes the date public by publishing a notice in the *Gazette officielle du Québec*.

139. A special planning program in force on 1 June 2023 is deemed to be a special planning program within the meaning of section 84 of the Act respecting land use planning and development, as replaced by section 44 of this Act.

140. Any acquisition of servitudes or rights referred to in subparagraph 2 of the fourth paragraph of section 117.2 of the Act respecting land use planning and development, as amended by section 59 of this Act, made by a municipality for the purpose of promoting the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural areas before 1 June 2023 under a by-law made under section 117.1 of that Act is valid.

141. The obligation to undergo the training provided for in sections 147.1 and 148.0.0.3.1 of the Act respecting land use planning and development, enacted by sections 87 and 88, takes effect, with respect to committee members already in office on 1 June 2024, on the date of renewal of their term.

142. Any intervention referred to in any of subparagraphs 1 to 3 of the first paragraph of section 149 of the Act respecting land use planning and development, as amended by section 89 of this Act, carried out before 1 June 2023, with respect to which the Government, any of its ministers or a mandatary of the State has obtained a municipal authorization without being required to obtain one is deemed to comply with Chapter VI of Title I of the Act respecting land use planning and development.

143. The amounts collected by Ville de Québec from 1 January 2008 to 1 June 2023 under section 168 of Schedule C to the Charter of Ville de Québec, national capital of Québec (chapter C-11.5), as it read before being amended by section 112 of this Act, are deemed to be amounts validly collected with regard to section 118.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) and to the vacancy in the position of the fire investigation commissioner appointed under the Fire Safety Act (chapter S-3.4).

144. The provisions of this Act come into force on 1 June 2023, except

(1) section 70 except insofar as it replaces the fourth paragraph of section 123 of the Act respecting land use planning and development, sections 71 and 72, section 96 insofar as it enacts the fourth paragraph of section 239 of the Act respecting land use planning and development, and section 121, which come into force on 1 September 2023;

(2) the provisions of section 9, which come into force on the date or dates to be determined by the Government;

(3) paragraph 2 of section 14, sections 15, 16, 19, 20, 33 and 47 to 49, section 75 insofar as it enacts the second paragraph of section 137.3 of the Act respecting land use planning and development and the obligations that result from the third and fifth paragraphs of that section, and sections 76, 77 and 90, which come into force on 1 December 2023;

(4) sections 87 and 88, which come into force on 1 June 2024.