



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 137

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

Introduction

**Introduced by
Mr André Bourbeau
Minister of Municipal Affairs**



**Québec Official Publisher
1986**

EXPLANATORY NOTES

This bill amends the Act respecting the Société d'habitation du Québec in respect of the powers of the Minister of Municipal Affairs, who is responsible for the administration of that Act, of the objects and composition of the Corporation, and of the exercise of its powers.

The bill empowers the Minister to devise and propose to the Government policies relating to housing, and to determine the requirements, priorities and objectives of all housing sectors in Québec.

New responsibilities related to research and information of the Minister on matters under his jurisdiction regarding housing devolve upon the Corporation, whose objects are also redefined to include all its activities and to take into account the obsolescence of a number of programs specifically provided for in the current Act.

Other provisions of the bill concern the operation of the Corporation, mainly as to the administration of its income and revenues and its mode of financing.

Finally, the bill provides that the Minister responsible for the administration of this Act may give directives to the Corporation regarding its aims and objectives in the performance of functions vested in it by law. The directives must be approved by the Government.

Bill 137

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by replacing paragraph *e* by the following paragraph:

“(e) “Minister”: the Minister of Municipal Affairs.”

2. The said Act is amended by inserting, after section 1, the following division:

“DIVISION I.1

“POWERS OF THE MINISTER

“**1.1** The Minister shall devise and propose to the Government policies respecting housing and supervise and co-ordinate their application.

“**1.2** The Minister may, in particular, in co-operation with the departments, governmental or municipal bodies and the groups or individuals concerned, determine requirements, priorities and objectives for all housing sectors in Québec.

“**1.3** The Minister shall also be responsible for the administration of the Acts respecting housing.”

3. Section 3 of the said Act is replaced by the following sections:

“3. The objects of the Corporation shall be

(1) to inform the Minister on the requirements, priorities and objectives of all housing sectors in Québec;

(2) to stimulate the development of public and private initiatives in the field of housing and cooperation among their proposers;

(3) to make low-rental housing available to the citizens of Québec;

(4) to promote the development and implementation of programs of housing construction, acquisition, development, restoration and management;

(5) to facilitate the acquisition of real property by the citizens of Québec;

(6) to promote housing improvement.

The Corporation shall prepare and implement, with the authorization of the Government, programs to enable it to meet its objects.

“3.1 Programs implemented by the Corporation may provide, where necessary, for financial assistance in the form of a subsidy, loan or remission granted by the Corporation; they may also allow the Corporation to grant loan guarantees.

The programs may provide for the preparation of dwellings accessible to handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1).

Programs may provide for exclusions or preferences based on age.

“3.2 For the pursuit of its objects, the Corporation may carry out or cause to be carried out research, studies, inquiries or surveys on the housing requirements and housing conditions of the population.

“3.3 The Corporation may, with the authorization of the Government, expropriate any immovable property indicated in a program if it is expedient for the pursuit of the Corporation’s objects and mandates.

“3.4 The Minister may, within the scope of his responsibilities and powers, issue directives to the Corporation respecting its aims and objectives in the performance of the functions vested in it by law; the directives must receive prior approval from the Government.

Directives issued under this section are binding on the Corporation.

They must be tabled before the National Assembly, if it is in session, within fifteen days of their approval by the Government or, if it is not sitting, within fifteen days of resumption.

Third persons are not bound to see to the application of this section, and it cannot be invoked by or against them.

“3.5 The second and third paragraphs of section 22, sections 24, 25, 33 and 34 and the first paragraph of section 49 of the Financial Administration Act (R.S.Q., chapter A-6) apply to the Corporation. However, the Conseil du trésor may, by regulation, make exceptions to the rules contained in sections 24, 25, 33 and 34, indicating precisely which provisions exception is made to and what provisions are substituted for them.

Regulations made under the second paragraph of section 49 of the Financial Administration Act apply to the Corporation, except where the grant or the promise of a subsidy is made in accordance with norms approved by the Conseil du trésor.”

4. Section 4 of the said Act is replaced by the following sections:

“4. The Société d’habitation du Québec is a corporation.

“4.1 The Corporation is an agent of the Government. Its property forms part of the public domain.

Notwithstanding the first paragraph, the Corporation may, with the authorization of the Government, waive immunity from seizure of its property to the extent and on the conditions determined by the Government. The performance of its obligations may be pursued against property regarding which it has waived immunity.

“4.2 The Corporation binds only itself when it acts in its own name.”

5. Sections 6 and 7 of the said Act are replaced by the following sections:

“6. The business of the Corporation shall be managed by a board of directors consisting of not more than nine members appointed by the Government for a term not to exceed five years.

“6.1 Each member of the board of directors shall remain in office after the expiration of his term until he is replaced or reappointed.

“6.2 The Government shall appoint a chairman and a vice-chairman of the board of directors from among the members of the board of directors.

The chairman of the board of directors shall preside over the meetings of the board and direct its operations.

“7. The members of the board of directors shall not be remunerated except in the cases, on the conditions and to the extent the Government may determine. They may be entitled to the reimbursement of the expenses incurred in the performance of their duties on the conditions and to the extent determined by the Government.”

6. Section 8 of the said Act is amended by replacing the word “Corporation”, in the first line of the first paragraph, by the words “board of directors”.

7. Sections 9 and 10 of the said Act are replaced by the following sections:

“9. A majority of the members of the board of directors, including the chairman or the vice-chairman and the president and chief executive officer shall constitute a quorum.

“10. The vice-chairman of the board of directors shall replace the chairman in his absence or inability to act; subject to section 13.1, when another member of the board of directors is absent or unable to act, he may be replaced by a person appointed by the Government to perform his duties for the duration of his absence or inability to act. The person so appointed to replace him shall be entitled to an expense allowance fixed under section 7.”

8. Section 11 of the said Act is repealed.

9. Section 12 of the said Act is amended by replacing the word “Corporation”, in the second line, by the words “board of directors”.

10. Section 13 of the said Act is replaced by the following sections:

“13. The Government shall appoint a president and chief executive officer from among the members of the board of directors, and he shall hold that office on a full-time basis.

The president and chief executive officer shall be responsible for the administration and direction of the Corporation within the scope of its by-laws.

“13.1 The Government shall also appoint vice-presidents to the Corporation, in such number as it may determine, and they shall hold office on a full-time basis. The vice-president designated by the Government shall replace the president and chief executive officer when the latter is absent or unable to act.

“13.2 The Government shall determine the salary and other conditions of employment of the president and chief executive officer and of each vice-president of the Corporation.”

11. Section 14 of the said Act is amended by adding, at the end, the following paragraph:

“The remuneration and expenditures relating to the social benefits and other conditions of employment of the officers of the Corporation shall be paid by the Corporation out of its funds.”

12. Section 15 of the said Act is amended

(1) by replacing the words “Corporation, approved by it and certified by the president”, in the first and second lines, by the words “board of directors, approved by it and certified by the chairman of the board of directors”;

(2) by replacing the word “president”, in the last line, by the words “chairman of the board of directors”.

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

“15.1 No deed, document or writing binds the Corporation or may be attributed to it unless it is signed by the president and chief executive officer, by the secretary or by a member of the personnel of the Corporation and, in the case of such a member, only to the extent determined by by-law of the Corporation.

The Corporation may, by by-law and on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines. The facsimile shall be authenticated by the countersignature of a person authorized by the president and chief executive officer.”

14. Section 16 of the said Act is amended by inserting the words “of the board of directors and the” and striking out the comma after the word “members”, in the first line.

15. Section 17 of the said Act is amended by replacing the words “its members”, in the third line, by the words “the members of its board of directors”.

16. Section 20 of the said Act is amended by replacing the word “Corporation”, in the first line, by the words “board of directors”.

17. Section 21 of the said Act is amended by replacing the words “president or the vice-president”, in the fifth and sixth lines by the words “president and chief executive officer or any vice-president of the Corporation”.

18. Division III of the said Act is repealed.

19. Section 57 of the said Act is amended

(1) by striking out the words “and by the Government” in the sixth and seventh lines of the first paragraph of subsection 3;

(2) by striking out the second paragraph of subsection 3;

(3) by replacing the words “by the Corporation and by the Government”, in the fifth line of subsection 4, by the words “and by the Corporation”.

20. Section 60 of the said Act is amended by adding, at the end, the following paragraph:

“The Corporation may grant loans to any municipal housing bureau to pay for any expenditures necessary for the protection of the Corporation’s investments.”

21. Section 64 of the said Act is repealed.

22. Section 73 of the said Act is amended

(1) by striking out the words “and that of the Conseil du trésor” in the third line of the second paragraph;

(2) by adding, after the third paragraph, the following paragraph:

“Any immovable acquired under a program may, from the end of the program, be alienated without the Corporation’s authorization.”

23. Section 75 of the said Act is repealed.

24. Section 76 of the said Act is amended by replacing the figure “75”, in the first line, by the figure “74”.

25. Section 81 of the said Act is amended

(1) by striking out the words “and that of the Conseil du trésor”, in the third line of the second paragraph;

(2) by adding, after the third paragraph, the following paragraph:

“Any immovable acquired under a program may, from the end of the program, be alienated without the Corporation’s authorization.”

26. Section 83 of the said Act is repealed.

27. Section 85 of the said Act is repealed.

28. Section 86 of the said Act is amended

(1) by striking out paragraphs *a*, *c*, *e*, *f* and *i*;

(2) by striking out the words “and “suitable housing”; “public services” for the purposes of paragraph *g* of section 32”, in the second, third and fourth lines of paragraph *k*;

(3) by striking out the comma in the first line of paragraph *o* after the word “applications”.

29. Section 90 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“If the agreement could affect the economic, financial or fiscal policies of the Gouvernement du Québec, it shall be negotiated after consultation and with the authorization of the Minister of Finance and be entered into on the basis of a proposal which has received his prior approval.”

30. Section 91 of the said Act is repealed.

31. Section 92 of the said Act is amended

(1) by inserting the words “revenues and contributions paid to the Corporation and the” in the first line before the word “amounts”;

(2) by replacing the word “affectées” in the second line of the French text by the word “affectés”.

32. Section 93 of the said Act is amended by striking out the words “; the Corporation itself may also, on the same conditions, carry out such projects or programs” in the fourth and fifth lines of paragraph *b*.

33. Sections 94 and 94.1 of the said Act are repealed.

34. Sections 94.3 and 94.4 of the said Act are repealed.

35. Section 95 of the said Act is amended by replacing the words “Housing and Consumer Protection”, in the first line, by the words “Municipal Affairs”.

36. Article 1662 of the Civil Code of Lower Canada is amended by adding, at the end, the following paragraph:

“The expression “dwelling in low rental housing” also designates a dwelling, situated in any other immovable, the rent for which is determined in accordance with a regulation under paragraph *g* of section 86 of the Act respecting the Société d’habitation du Québec.”

37. The president and the vice-president of the Corporation in office on 31 December 1986 become the president and chief executive officer and the vice-president of the Corporation, respectively.

They continue to be governed by the conditions determined in their deeds of appointment.

38. Except unless otherwise agreed between the Government and a member of the Corporation, other than the president, appointed under the second paragraph of section 6 of the Act respecting the Société d’habitation du Québec and in office on 31 December 1986, the member becomes a member of the board of directors of the Corporation on the conditions of his deed of appointment.

The member may be appointed to another office by the Government and shall continue to be governed by the conditions of his deed of appointment until the date of expiry of his original term of office.

39. Any member of the Corporation appointed for an unspecified term under the third paragraph of section 6 of the Act respecting the Société d’habitation du Québec in office on 31 December 1986, becomes a member of the board of directors of the Corporation until he is replaced or for such term as may be fixed by the Government.

40. Every immovable acquired under a program for the renewal of the territory of a municipality may, from the order determining the

end of the program, be alienated without the authorization of the Corporation or that of the Conseil du trésor.

41. Every by-law passed by the Corporation under any of paragraphs *e*, *f* or *i* of section 86 of the Act respecting the Société d'habitation du Québec remains in force until it is repealed.

42. Every order made by the Government under either of sections 94.1 or section 94.3 of the Act respecting the Société d'habitation du Québec remains in force until it is repealed.

43. This Act comes into force on 1 January 1987.