

THIRD SESSION

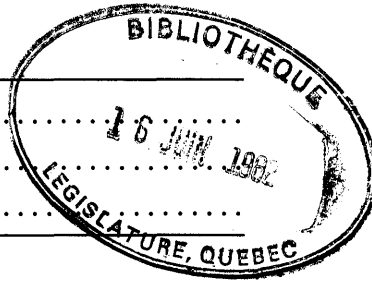
THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 82

An Act to promote housing construction

First reading
Second reading
Third reading



M. GUY TARDIF

Minister of Housing and Consumer Protection

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

EXPLANATORY NOTES

The object of this bill is to promote housing construction.

For that purpose, the bill provides that the employees and employers of the construction industry will be able to contribute to a fund to stimulate housing construction.

According to the bill, the contribution of the employees and employers of the construction industry will be defined by government regulation after an agreement is entered into between the associations of employees and the employers' associations of the construction industry.

The bill also authorizes the Office de la construction du Québec to collect financial contributions from the employees and employers and to remit them to the non-profit organization established to manage the program to stimulate housing construction, which will be composed in the majority of representatives of the organizations that contribute to it.

Furthermore, the bill provides that, in order to favour housing construction and renovation, each municipality will be authorized to set up a subsidy fund and a real estate reserve and, where such is the case, waive all or part of the duties collected on transfers of immovables.

The bill also authorizes engineers, land-surveyors and notaries to participate in the stimulation of housing construction by authorizing the Government to allow them to agree to lower professional fees than indicated in their tariff of minimum professional fees, according to modalities to be determined by regulation after agreement with the professional corporations concerned.

Finally, the bill includes special provisions regarding the cessation of effect of the program to stimulate construction, and provides for transitional measures.

Bill 82

An Act to promote housing construction

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CHAPTER I

EMPLOYEES AND EMPLOYERS OF THE CONSTRUCTION INDUSTRY

1. On the application of the associations of employees of the construction industry whose representativeness is more than 50% in accordance with the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20), and of the majority of the employers' associations contemplated in section 17 of the constitution and by-laws of the Association of Building Contractors of Québec, adopted by order in council 145-76 dated 21 January 1976, published in the *Gazette officielle du Québec* for 28 January 1976 and amended by orders in council 461-79 and 462-79 dated 15 February 1979, published in the *Gazette officielle du Québec* for 28 February 1979, the Government may, by regulation, prescribe, in such cases, on such conditions and according to such modalities as it may determine, a contribution by employers and employees within the meaning of the said Act with a view to financing a program to promote housing construction.

The contribution is based on the work governed by the Act respecting labour relations in the construction industry and in accordance with the hours worked by the employees. In the case of the employees, the contribution may also be taken out of the contributions to their supplemental pension plan provided for in the Decree respecting the Construction Industry adopted under Chapter VI of the said Act.

The employer shall thus withhold the contribution from the employee's wages and remit it to the Office de la construction du Québec together with his contribution at the same time as his monthly report.

2. The Office has, for the collection of contributions from employers and employees, the same powers as those provided in the Act respecting labour relations in the construction industry for the collection of contributions or assessments imposed by decree.

3. The Government shall appoint a non-profit organization to manage, in such cases, on such conditions and according to such modalities as it may determine, a program to promote housing construction.

The organization shall be composed in the majority of representatives of the organizations contributing to the stimulation of housing construction.

4. The Office shall remit the contributions paid to it to the organization appointed under section 3, in accordance with the modalities determined by agreement between the Office and the organization.

5. The regulations come into force on the date of their publication in the *Gazette officielle du Québec*.

CHAPTER II

PROFESSIONAL CORPORATIONS

6. On the application of the Ordre des arpenteurs-géomètres, the Chambre des notaires du Québec or the Ordre des ingénieurs du Québec, the Government may, by regulation, in such cases, on such conditions and according to such modalities as it may determine, allow the members of such professional corporations to agree to lower fees than are indicated in their tariff of professional fees for activities relating to housing construction or fix for such activities a lower tariff in place of the tariff in force.

The regulations come into force on the date of their publication in the *Gazette officielle du Québec*.

CHAPTER III

DIVISION I

SUBSIDY FUND

7. A municipality other than a county municipality or regional county municipality may by by-law set up a subsidy fund to promote the construction or restoration of housing.

The sums required for the fund may be derived from loans or taken out of the general fund of the municipality or the special fund contemplated in subparagraph 8 of the second paragraph of section 115 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

8. The municipality shall, by by-law, adopt a subsidy program in which the amount of the subsidies, the conditions for obtaining them and the modalities regarding the carrying out of the program are determined.

9. A by-law passed for the purposes of section 7 or under section 8 requires no other approval than that of the Commission municipale du Québec.

The by-law comes into force in conformity with the Act that governs the municipality.

DIVISION II

REAL ESTATE RESERVE

10. A municipality other than a county municipality or regional county municipality may establish a real estate reserve to promote housing construction.

The municipality may, for the purposes of the reserve, use any immovable owned by it or acquire any immovable it considers appropriate.

11. A municipality may, with the approval of the Commission municipale du Québec, alienate, for residential purposes, an immovable included in its real estate reserve.

The alienation may be made gratuitously or for a smaller amount than the actual value of the immovable or its cost of acquisition if it is made in favour of the Government, one of its departments, bodies or agencies, a school corporation, a housing cooperative or a non-profit organization established for housing purposes.

The alienation may also be made for a smaller amount than the actual value of the immovable or its cost of acquisition if it is made by public auction or public tenders.

12. All proceeds from the alienation of an immovable included in the real estate reserve must be deposited in a special fund for the establishment or the management of the reserve or be allocated to the subsidy fund, where such is the case.

DIVISION III

TRANSFER DUTIES

13. Every municipality may, by by-law, reduce the amount of any duty imposed pursuant to section 2 of the Act to authorize municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39), or waive the right to collect such duties where the transfer within the meaning of the said Act pertains to new residential immovables of a class established in the by-law.

CHAPTER IV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

14. This Act applies notwithstanding any contrary general or special provision of law.

15. This Act ceases to have effect on 1 July 1986.

However, the Government may, by proclamation, fix a date for cessation of effect earlier than 1 July 1986; the proclamation must be published in the *Gazette officielle du Québec* not later than 30 days before the date fixed therein.

16. When Chapter III ceases to have effect, the amounts paid into the subsidy fund that are not appropriated and the amounts paid into the special fund contemplated in section 12 shall be paid into the general fund of the municipality.

17. When Division II of Chapter III ceases to have effect, the immovables included in the real estate reserve must be sold during the year following the cessation of effect, at public auction, after a call for public tenders or in any manner approved by the Commission municipale du Québec.

However, the Government may, by proclamation, fix a date for cessation of effect earlier than 1 July 1986; the proclamation must be published in the *Gazette officielle du Québec* not later than 30 days before the date fixed therein.

municipality to keep the immoveables included in the real estate reserve that it needs for its purposes.

18. The Minister of Housing and Consumer Protection is entrusted with the carrying out of Chapter IV.

19. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (*insert here the reference to the chapter number of the Canada Act in the compilation of the Acts of the Parliament of the United Kingdom for 1982*).

20. This Act comes into force on the day of its sanction.