



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 67

**An Act to establish a new
development regime for the flood
zones of lakes and watercourses, to
temporarily grant municipalities
powers enabling them to respond to
certain needs and to amend various
provisions**

Introduction

**Introduced by
Madam Andrée Laforest
Minister of Municipal Affairs and Housing**

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EXPLANATORY NOTES

This bill amends the Act respecting land use planning and development in order to, among other things,

(1) grant regional county municipalities new powers, including the power to make by-laws relating to flood risk management and to the management of natural or man-made constraints;

(2) require that the lakes and watercourses of interest for the practice of recreational activities be identified in any land use and development plan;

(3) grant local municipalities new powers for the purpose of providing public water access points;

(4) require that zones subject to the urban heat island phenomenon be identified in any planning program.

The bill amends Acts concerning municipal affairs and the Act respecting public transit authorities to allow municipalities, metropolitan communities and public transit authorities to include in a public call for tenders that, among other requirements, goods or services must be Canadian. In certain circumstances, the bill makes it mandatory for them to impose that requirement.

The bill also amends Acts concerning municipal affairs to ensure they are consistent with intergovernmental agreements on the opening of public procurement.

Under the bill, municipalities, metropolitan communities and public transit authorities are required to include in their contract management by-law, for a period of three years, measures to promote Québec goods and services as well as suppliers, insurers and contractors having an establishment in Québec.

The bill confers on the Government the power to authorize a municipality or a public transit authority to make a contract related to a public transportation infrastructure on conditions that differ from those currently applicable, provided that those conditions concern only specific objects.

The Act respecting tourist accommodation establishments is amended to render inapplicable any provision of a municipal by-law made under the Act respecting land use planning and development that would operate to prohibit the operation, in a principal residence, of an accommodation establishment that complies with the conditions set by law. The Minister of Tourism is granted the power to refuse to issue a classification certificate for a principal residence establishment or to suspend or cancel such a certificate.

Under the bill, the Act respecting municipal taxation is amended to, among other things, exclude principal residence establishments from the category of non-residential immovables on which the business tax may be imposed.

The bill amends the framework applicable to the management of bodies of water that is provided for in the Environment Quality Act. The minister responsible for that Act is entrusted with new powers, such as powers to establish, keep up to date and make public the boundaries of the flood zones of lakes and watercourses and the mobility zones of watercourses.

The bill also aims to establish a framework specific to flood protection works, in particular by granting the Government the power to declare a municipality responsible for protection works.

The bill amends the Act respecting the Administrative Housing Tribunal to allow joint applications to be filed by two or more lessees of the same private seniors' residence.

The Act respecting the Société d'habitation du Québec is amended to grant new powers to the Société, including the power to make a by-law governing modest rental housing dwellings and the lessees of such dwellings.

In the context of the COVID-19 pandemic, the bill contains temporary provisions to, among other things, allow

(1) local municipalities to borrow to finance expenses related to the pandemic and incurred during the fiscal year 2021 or to compensate for a decrease in their revenues attributable to the pandemic and observed during that fiscal year;

(2) local municipalities to authorize a loan from their general funds or their working funds to finance expenses related to the pandemic and incurred during fiscal years 2020 and 2021 or to compensate for a decrease in their revenues attributable to the pandemic and observed during those fiscal years;

(3) local municipalities to assist, for a period of three years, enterprises in their territory; and

(4) regional county municipalities to establish, for a period of three years, a support fund for enterprises in financial difficulty.

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

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec;
- Act respecting land use planning and development (chapter A-19.1);
- Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);
- Cities and Towns Act (chapter C-19);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Municipal Powers Act (chapter C-47.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting tourist accommodation establishments (chapter E-14.2);
- Act respecting municipal taxation (chapter F-2.1);
- Environment Quality Act (chapter Q-2);
- Act respecting the Administrative Housing Tribunal (chapter R-8.1);
- Dam Safety Act (chapter S-3.1.01);

- Act respecting the Société d’habitation du Québec (chapter S-8);
- Act respecting public transit authorities (chapter S-30.01);
- Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68).

REGULATION AMENDED BY THIS BILL:

- Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited (chapter C-19, r. 5).

ORDERS IN COUNCIL AMENDED BY THIS BILL:

- Order in Council 841-2001 (2001, G.O. 2, 3660), respecting Ville de Saguenay;
- Order in Council 850-2001 (2001, G.O. 2, 3695), respecting Ville de Sherbrooke;
- Order in Council 851-2001 (2001, G.O. 2, 3726), respecting Ville de Trois-Rivières;
- Order in Council 1478-2001 (2001, G.O. 2, 6960), respecting Ville de Rouyn-Noranda.

Bill 67

AN ACT TO ESTABLISH A NEW DEVELOPMENT REGIME FOR THE FLOOD ZONES OF LAKES AND WATERCOURSES, TO TEMPORARILY GRANT MUNICIPALITIES POWERS ENABLING THEM TO RESPOND TO CERTAIN NEEDS AND TO AMEND VARIOUS PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

1. Article 1791.1 of the Civil Code of Québec is amended

(1) by replacing “determined” in the first paragraph by “according to the terms and conditions determined”;

(2) by inserting “according to the terms and conditions determined by government regulation” at the end of the third paragraph.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

2. Section 1 of the Act respecting land use planning and development (chapter A-19.1) is amended by striking out “and transfer of timber limits under the Lands and Forests Act (chapter T-9),” in paragraph 1.

3. Section 5 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) determine any lake or watercourse that is of recreational interest to the regional county municipality;”;

(2) by replacing “3 or 4” in subparagraph 1 of the second paragraph by “3, 4 or 6”;

(3) by inserting the following subparagraph after subparagraph 2 of the second paragraph:

“(2.1) to adopt by-law provisions under subparagraph 7.1 of the second paragraph of section 115 in respect of a lake or watercourse determined in accordance with subparagraph 6.1 of the first paragraph;”.

4. Section 6 of the Act is amended by striking out subparagraph 1.1 of the third paragraph.

5. Section 53.13 of the Act is amended by striking out “is not consistent with the policy of the Government referred to in section 2.1 of the Environment Quality Act (chapter Q-2), does not respect the limits of a floodplain situated within the territory of the responsible body or” in the first paragraph.

6. Division I of Chapter II.1 of Title I of the Act, comprising sections 79.1 to 79.19.2, is replaced by the following division:

“DIVISION I

“REGIONAL BY-LAWS

“§1.—Regional by-laws

“79.1. The council of a regional county municipality may adopt a by-law to implement any flood risk management plan prepared in accordance with the regulation made under paragraph 13 of section 46.0.21 of the Environment Quality Act (chapter Q-2).

“79.2. The council of a regional county municipality may, in respect of a determined place, establish by by-law any standard intended to take into account

(1) any factor specific to the nature of the place that makes land occupation subject to constraints related to public safety or protection of the environment; and

(2) the actual or potential proximity of an immovable or an activity that makes land occupation subject to constraints related to public safety, public health or general well-being.

“79.3. The council of a regional county municipality may establish by by-law any standard relating to the planting and felling of trees in order to ensure the protection and management of private forests.

“79.4. For the purpose of exercising the powers provided for in this subdivision, the council of a regional county municipality has the powers provided for in sections 113, 115, 118 and 119 in matters of zoning, subdivision, building and permits, with the necessary modifications.

“79.5. The council of a regional county municipality must designate, in every municipality in whose territory the by-laws provided for in section 79.1 or 79.2 apply, an officer to be responsible for enforcing those by-laws.

The council may, with the consent of the municipality concerned, designate such an officer to enforce a by-law provided for in section 79.3.

Section 120 applies to an officer referred to in this section, with the necessary modifications.

“79.6. The council of a regional county municipality that has a land development advisory committee also has the powers provided for in section 145.42, with the necessary modifications, for the purpose of exercising the powers provided for in paragraph 1 of section 79.2.

“§2. — Draft by-law, consultation and adoption

“79.7. The council of the regional county municipality shall adopt a draft of every by-law referred to in sections 79.1 to 79.3.

A copy shall be sent as soon as practicable to each municipality whose territory is concerned by such a draft by-law and, in the case of the draft of a by-law referred to in section 79.2 or 79.3, to every metropolitan community whose territory is concerned by that draft by-law.

A copy of every draft by-law referred to in section 79.1 or 79.2 shall also be sent to the Minister.

“79.8. The council of the regional county municipality may request the Minister’s opinion on a draft by-law referred to in section 79.1 or 79.2.

The secretary shall notify to the Minister a certified copy of the resolution setting out the request.

“79.9. Within 60 days after receiving the copy of the resolution, the Minister shall give an opinion as to the consistency of the draft by-law with government policy directions or as to its compliance with the criteria prescribed by a regulation made under paragraph 14 of section 46.0.21 of the Environment Quality Act (chapter Q-2), as applicable.

If the opinion of the Minister raises objections to the draft by-law, it must include reasons.

The Minister shall notify the opinion to the regional county municipality.

“79.10. The council of every municipality or metropolitan community whose territory is concerned by the draft by-law may give its opinion on the draft by-law within 60 days after receiving it.

“79.11. The regional county municipality shall hold at least one public meeting in the territory concerned by the draft by-law.

“79.12. The regional county municipality shall hold its public meetings through a committee established by the council, composed of council members designated by the council and presided over by the warden or by another committee member designated by the warden.

“79.13. Not later than 15 days before a public meeting is held, the secretary of the regional county municipality shall publish in a newspaper circulated in the territory of every municipality whose territory is concerned by the draft by-law a notice of the date, time and place and the purpose of the meeting the secretary shall, within the same period, have a copy of the notice posted in the office of every municipality whose territory is concerned.

A summary of the draft by-law must be included with the notice or distributed, within the time prescribed in the first paragraph, to every address in the territory concerned. In the latter case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the draft by-law and the summary may be consulted at the office of the regional county municipality and at the office of every municipality whose territory is concerned.

“79.14. At a public meeting, the committee shall explain the draft by-law.

The committee shall hear the persons and bodies wishing to be heard.

“79.15. After the consultation period concerning the draft by-law, the council of the regional county municipality shall adopt the by-law, with or without changes.

The consultation period ends when every required public meeting has been held and every opinion on the draft by-law has been obtained or the time for giving an opinion has expired.

“§3.—Approval, examination of conformity and coming into force

“A.—Provisions applicable to flood risk management by-laws

“79.16. As soon as practicable after the adoption of a by-law referred to in section 79.1, the secretary of the regional county municipality shall notify to the Minister a certified copy of the by-law and of the resolution adopting it, accompanied with an expert assessment consistent with the rules prescribed by a regulation made under paragraph 13 of section 46.0.21 of the Environment Quality Act (chapter Q-2).

“79.17. Within 120 days after receiving the copy of the by-law and of the resolution, the Minister shall approve the by-law if of the opinion that it complies with the criteria prescribed by a regulation made under paragraph 14 of section 46.0.21 of the Environment Quality Act (chapter Q-2) and is consistent with government policy directions.

The Minister shall notify a notice to the regional county municipality of the decision. If the Minister withholds approval of the by-law, the notice must include reasons.

“79.18. Before rendering a decision, the Minister shall consult the Minister of Sustainable Development, Environment and Parks, the Minister of Public Security and the national committee of flood zone management experts.

The Minister must also consult any other interested minister.

“79.19. The national committee of flood zone management experts shall be established by the Minister according to the terms and conditions the Minister determines by regulation.

“79.19.1. If the Minister withholds approval of the by-law, the council of the regional county municipality may, within 120 days after notification of the notice of the decision, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the by-law it replaces only so as to take account of the Minister’s opinion.

“79.19.2. The by-law comes into force on the day the Minister approves it.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

“B. — Provisions applicable to by-laws on the management of natural or man-made constraints

“79.19.3. As soon as practicable after the adoption of a by-law referred to in section 79.2, the secretary of the regional county municipality shall notify to the Minister a certified copy of the by-law and of the resolution adopting it.

A certified copy must also be sent to every metropolitan community whose territory is concerned by the by-law.

“79.19.4. Within 60 days after receiving the copies of the by-law and of the resolution, the Minister shall give an opinion as to the consistency of the by-law with government policy directions.

The Minister shall notify the opinion to the regional county municipality and, if the by-law concerns part of the territory of a metropolitan community, to the metropolitan community. If the Minister is of the opinion that the by-law is not consistent with government policy directions, the opinion must include reasons and may include the Minister’s suggestions on how to ensure such consistency.

If the Minister fails to give an opinion within the time prescribed in the first paragraph, the by-law is deemed to be consistent with government policy directions.

“79.19.5. If the Minister is of the opinion that the by-law is not consistent with government policy directions, the council of the regional county municipality may, within 120 days after notification of the opinion, replace the by-law.

Subdivision 2 does not apply to the new by-law if it differs from the one it replaces only so as to take account of the Minister’s opinion.

“79.19.6. If the by-law concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after the copies of the by-law and of the resolution are sent, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

A resolution by which the council of the metropolitan community withholds approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan.

As soon as practicable after the passage of the resolution approving or withholding approval of the by-law, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the second case, send the regional county municipality a certified copy of the resolution.

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan.

“79.19.7. Where the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall notify a certified copy of the resolution applying for the assessment and of the by-law concerned to the Commission and to the metropolitan community.

The copies sent to the Commission must be received within 45 days after the copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

“79.19.8. The Commission must give its assessment within 60 days after receiving the copy of the resolution and of the by-law.

If the assessment of the Commission is that the by-law is not in conformity with the metropolitan plan, the assessment may include the Commission’s suggestions on how to ensure such conformity.

The secretary of the Commission shall notify a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving the copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

“79.19.9. Where the assessment of the Commission is that the by-law is not in conformity with the metropolitan plan, the council of the regional county municipality may, within 120 days after notification of the assessment, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the one it replaces only so as to ensure the conformity of the by-law with the metropolitan plan.

“79.19.10. The by-law comes into force on the day an opinion attesting that it is consistent with government policy directions is notified to the regional county municipality by the Minister or, failing such an opinion, on the expiry of the period prescribed in section 79.19.4.

However, if the by-law concerns part of the territory of a metropolitan community, it cannot come into force before the date on which the secretary of the community issues the certificate of conformity.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

“C. — Provisions applicable to by-laws on the planting or felling of trees

“79.19.11. As soon as practicable after the adoption of a by-law referred to in section 79.3, the secretary of the regional county municipality shall see to it that a notice of the adoption of the by-law, explaining the rules prescribed in the first paragraph of section 79.19.12 and the first paragraph of section 79.19.13, is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

“79.19.12. Any qualified voter in a municipality whose territory is concerned by the by-law may, within 30 days of publication of the notice referred to in section 79.19.11, apply, in writing, to the Commission for an assessment of the conformity of the by-law with the objectives of the RCM plan and the provisions of the complementary document.

The secretary of the Commission shall send to the regional county municipality a copy of every application sent within the period prescribed in the first paragraph.

“79.19.13. If the Commission receives at least five applications in accordance with section 79.19.12, it shall, within 60 days after the expiry of the period prescribed in that section, give its assessment of the conformity of the by-law with the objectives of the RCM plan and the provisions of the complementary document.

If the Commission fails to receive at least five applications in accordance with section 79.19.12, the by-law is deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document from the expiry of the period prescribed in the first paragraph of that section.

The by-law is also deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document from the date on which the Commission gives an assessment confirming such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to every person who made an application in accordance with section 79.19.12. If the assessment of the Commission is that the by-law is not in conformity with the objectives of the plan and the provisions of the complementary document, the assessment must include reasons and may include the Commission’s suggestions on how to ensure conformity.

The secretary of the regional county municipality shall see to it that a copy of the assessment is posted in the office of every municipality whose territory is concerned by the by-law.

“79.19.14. Where the assessment of the Commission is that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document, the council of the regional county municipality may, within 120 days after notification of the assessment, replace the by-law.

Subdivision 2 does not apply to a new by-law that differs from the one it replaces only so as to ensure such conformity.

“79.19.15. The by-law comes into force on the date from which it is deemed to be in conformity with the objectives of the RCM plan and the provisions of the complementary document according to section 79.19.13.

As soon as practicable after the coming into force of the by-law, the secretary of the regional county municipality shall see to it that a notice of the coming into force of the by-law is posted in the office of every municipality whose territory is concerned by the by-law, and shall publish the notice in a newspaper circulated in the territory of every such municipality.

“§4. — *Effects*

“**79.19.16.** The provisions of a by-law referred to in section 79.1 or 79.2 take precedence over any inconsistent provision of a by-law of a municipality.

“**79.19.17.** On the coming into force of a by-law referred to in section 79.3, the council of a municipality whose territory is concerned by the by-law loses the right to include in its zoning by-law provisions regarding a matter referred to in subparagraph 12.1 of the second paragraph of section 113, and any such provision already in force immediately ceases to have effect.

“**79.19.18.** Only the representatives of the municipalities whose territory is concerned by a by-law referred to in section 79.3 are qualified to participate in the deliberations and vote of the council of the regional county municipality as regards the exercise of the functions arising from the by-law. Only those municipalities shall contribute to the payment of expenses resulting from such exercise.

“**79.19.19.** Where a notice of motion has been given in order to adopt or amend a by-law provided for in sections 79.1 to 79.3, no permit or certificate may be granted by the regional county municipality for an intervention that will be prohibited if the by-law that is the subject of the notice of motion is adopted.

Where a copy of the notice of motion is sent to a municipality, no permit or certificate may, as of receipt of the notice, be granted by the municipality for an intervention that will be prohibited if the by-law that is the subject of the notice of motion is adopted.

The first two paragraphs cease to be applicable on the day that is two months after the filing of the notice of motion in accordance with the first paragraph or a sending under the second paragraph if the by-law has not been adopted by that date or, if the by-law has been adopted, on the day that is six months after the adoption of the by-law if it is not in force on that date.”

7. Section 79.20 of the Act is amended by replacing “Sections 79.2 to 79.10” in the third paragraph by “The first and second paragraphs of section 79.7 and sections 79.10 to 79.15”.

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

“(4) the identification of any part of the municipal territory that is sparsely vegetated, very impervious or subject to the urban heat island phenomenon, and the description of any measure to mitigate the harmful or undesirable effects of those characteristics.”

9. Section 113 of the Act is amended by striking out “to provide, in respect of an immovable that is described in the zoning by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any land use, structure or works specified in the by-law;” in subparagraph 16 of the second paragraph.

10. Section 115 of the Act is amended

(1) in the second paragraph,

(a) by striking out “to provide, in respect of an immovable that is described in the subdivision by-law and that is situated in a flood zone to which a prohibition or rule made under this subparagraph applies, for an exemption from the prohibition or rule for any cadastral operation specified in the by-law;” in subparagraph 4;

(b) by replacing “convey” in subparagraph 7 by “transfer”;

(c) by inserting the following subparagraph after subparagraph 7:

“(7.1) to require, as a precondition to the approval of a plan relating to a cadastral operation, an undertaking by the owner to transfer, free of charge, a parcel of land shown on the plan and intended to provide public access to a lake or watercourse;”;

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

“The council shall determine the cases, other than those referred to in the second paragraph of section 117.2, in which an undertaking to transfer a parcel of land may be required under subparagraph 7.1 of the second paragraph, as well as the terms and conditions of such a transfer. However, the area of the land to be transferred must not exceed 10% of the area of all the parcels of land affected by a cadastral operation, taking into account, in favour of the owner, any transfer or payment required under Division II.1.”

11. Section 117.3 of the Act is amended by inserting “, as well as any undertaking to transfer a parcel of land made under subparagraph 7.1 of the second paragraph of section 115” at the end of the third paragraph.

12. Section 117.15 of the Act is amended by inserting “to provide public access to a lake or watercourse” and “, public water access point” after “playgrounds” and “playground”, respectively, in the third paragraph.

13. Section 120.0.1 of the Act is amended by replacing “the health and social services agency” in the second paragraph by “the public health department”.

14. Section 145.2 of the Act is amended by replacing the second paragraph by the following paragraph:

“In a place where land occupation is subject to special restrictions for reasons of public safety or public health, protection of the environment or general well-being, a minor exemption may not be granted in respect of by-law provisions adopted under subparagraph 16 or 16.1 of the second paragraph of section 113 or subparagraph 4 or 4.1 of the second paragraph of section 115.”

15. Section 145.4 of the Act is amended

(1) by inserting “or increases the risks with regard to public safety or public health or adversely affects the quality of the environment or general well-being” at the end of the second paragraph;

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

“Despite the second paragraph, the council may grant an exemption even if it increases the inconvenience caused by the practice of agriculture.”

16. Section 145.7 of the Act is amended by adding the following paragraphs at the end:

“However, when the resolution grants a minor exemption in a place referred to in the second paragraph of section 145.2, the municipality must send a copy of the resolution to the regional county municipality whose territory includes that of the municipality. The council of the regional county municipality may, within 90 days after receiving the copy of the resolution, if it considers that the decision authorizing the exemption increases the risks in matters of public safety or public health or adversely affects the quality of the environment or general well-being,

(1) impose any condition referred to in the second paragraph to reduce the risk or potential harm or modify, for those purposes, any condition prescribed by the council of the municipality; or

(2) disallow the decision authorizing the exemption where it is impossible to reduce the risk or potential harm.

A copy of every resolution passed by the regional county municipality under the fourth paragraph shall be sent to the municipality without delay.

A minor exemption in a place referred to in the second paragraph of section 145.2 takes effect

(1) on the date on which the regional county municipality notifies the municipality that it does not intend to avail itself of the powers provided for in the fourth paragraph;

(2) on the date of coming into force of the resolution of the regional county municipality that imposes or modifies conditions applicable to the exemption; or

(3) on the expiry of the time prescribed in the fourth paragraph, if the regional county municipality has not availed itself, within that time, of the powers provided for in that paragraph.

The municipality must send the resolution of the regional county municipality to the person who applied for the exemption or, in the absence of such a resolution, inform the person of the taking of effect of its decision granting the exemption.

The fourth, fifth, sixth and seventh paragraphs do not apply to Ville de Gatineau, Ville de Laval, Ville de Lévis, Ville de Mirabel, Ville de Rouyn-Noranda, Ville de Saguenay, Ville de Shawinigan, Ville de Sherbrooke or Ville de Trois-Rivières.”

17. The Act is amended by inserting the following chapter after section 148:

“CHAPTER V.0.0.1

“CONSTITUTION OF LAND DEVELOPMENT ADVISORY COMMITTEES

“148.0.0.1. The council of a regional county municipality may, by by-law,

(1) establish a land development advisory committee composed of the number of members it determines, including at least two who are members of a municipal council from different municipalities, the other members being chosen, following a public invitation for applications, from among the residents of the territory of the regional county municipality, provided those members are the majority on the committee;

(2) empower the committee to establish its rules of internal management; and

(3) provide that the term of office of the members must not exceed two years and that it may be renewed.

“148.0.0.2. The council may, by by-law, assign the following powers to the committee:

(1) giving opinions and making recommendations with regard to planning and to regional by-laws;

(2) for the benefit of municipalities that do not have an advisory planning committee and whose territories are comprised in that of the regional county municipality, giving the opinions and making the recommendations under the purview of such a committee; and

(3) in an unorganized territory, giving the opinions and making the recommendations under the purview of an advisory planning committee.

“148.0.0.3. The members of the committee are appointed by resolution of the council of the regional county municipality.

The council may also appoint to the committee any persons whose services it may require for the performance of its functions.

“148.0.0.4. The council may vote and place at the disposal of the committee the amounts of money the committee needs to fulfil its functions.

“148.0.0.5. If the committee has the power to exercise the functions of an advisory planning committee, each municipality whose territory is comprised in that of the regional county municipality has the same powers and is subject to the same obligations as if it had an advisory planning committee.

“148.0.0.6. Before the committee gives an opinion or makes a recommendation referred to in section 148.0.0.2, a representative of the municipality concerned must have an opportunity to submit observations.

“148.0.0.7. The council of a regional county municipality that wishes to dissolve the committee or to withdraw its power to exercise the functions of an advisory planning committee for the benefit of municipalities whose territories are comprised in that of the regional county municipality must, at least 60 days before the adoption of a by-law to that effect, pass a resolution stating its intention and send the resolution, as soon as practicable, to all such municipalities.

Any by-law whose adoption is subject by law to the requirement for the municipality to have an advisory planning committee becomes inoperative on the coming into force of a by-law referred to in the first paragraph, as long as the municipality does not have such a committee.”

18. Section 148.3 of the Act is amended

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

“(1.1) the members of the council of any municipality whose territory is comprised in that of the responsible body, who are not eligible under subparagraph 1;”;

(2) by replacing “under subparagraph 1, who reside” in subparagraph 2 of the first paragraph by “under subparagraph 1 or 1.1, whose residence or registered agricultural operation is situated”;

(3) by inserting “, 1.1” after “subparagraph 1” in subparagraph 3 of the first paragraph;

(4) by inserting “or 1.1” after “subparagraph 1” in the second paragraph.

19. Section 148.13.1 of the Act is repealed.

20. Section 165.2 of the Act is amended by striking out “fails to conform with the policy of the Government contemplated in section 2.1 of the Environment Quality Act (chapter Q-2) or” in the first paragraph.

21. Title II.1 of the Act, comprising section 226.1, is replaced by the following Title:

“TITLE II.1

“REGULATIONS OF THE MINISTER

“226.1. The Minister may, by regulation, prescribe

(1) the form in which the content of a document that may or must be notified or sent to the Minister under this Act is to be prepared; and

(2) the terms and conditions governing any notification or sending of a document under this Act.

In exercising the powers provided for in the first paragraph, the Minister may prescribe different rules for any municipality or responsible body and for any type of document.”

22. Section 227 of the Act is amended by inserting “to 79.3” after “79.1” in subparagraph *b* of subparagraph 1 of the first paragraph.

23. Section 233.1 of the Act is amended by replacing “79.1” in the first paragraph by “79.3”.

24. The Act is amended by inserting the following section after section 233.1:

“233.1.1. Penal proceedings for an offence under a provision of a by-law made under section 79.3, subparagraph 12.1 of the second paragraph of section 113 or section 148.0.2 are prescribed one year after the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed since the date of the commission of the offence.”

25. Section 234 of the Act is repealed.

26. Section 264 of the Act is amended by replacing “Chapter II.1 of Title I” in the first paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

27. Section 264.0.1 of the Act is amended by replacing “Chapter II.1 of Title I” in the first paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

28. Section 264.0.2 of the Act is amended by replacing “Chapter II.1 of Title I” in the first paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

29. Section 264.0.6 of the Act is amended by replacing “Chapter II.1 of Title I” in the first paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

30. Section 267 of the Act is amended by replacing “and 65” in the first paragraph by “, 65, 79.9 and 79.19.4”.

ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER
RESOURCES AND TO PROMOTE BETTER GOVERNANCE OF WATER
AND ASSOCIATED ENVIRONMENTS

31. Section 15.2 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) is amended by adding the following paragraph at the end:

“In identifying the wetlands and bodies of water as required under subparagraph 1 of the second paragraph, a regional county municipality must integrate into the plan the boundaries of the zones referred to in subparagraph 2.1 of the third paragraph of section 46.0.2 of the Environment Quality Act (chapter Q-2).”

32. Section 15.4 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

“(4) the boundaries of the zones referred to in subparagraph 2.1 of the third paragraph of section 46.0.2 of the Environment Quality Act (chapter Q-2) have been considered.”

33. Section 15.7 of the Act is amended

(1) by striking out the following sentence in the second paragraph: “Any update must be made according to the same rules as those applicable to the initial plan.”;

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

“However, a regional county municipality may update its regional wetlands and bodies of water plan at any time before the review process referred to in the first paragraph if it gives prior notice to the Minister. Such an update does not exempt a municipality from complying with its obligations under the first paragraph.

Any update of a regional wetlands and bodies of water plan must be made according to the same rules as those applicable to the initial development of the plan.”

CITIES AND TOWNS ACT

34. Section 573 of the Cities and Towns Act (chapter C-19) is amended

(1) by replacing “in subparagraph 2.3 of the first paragraph of section 573.3” in paragraph 2 of subsection 2.1 by “in the eighth paragraph of section 573.1.0.4.1”;

(2) by replacing subsection 6 by the following subsection:

“(6) At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system.”

35. Section 573.1.0.0.1 of the Act is amended

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

“In the case of a tender submitted electronically, a municipality must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.”;

(2) by adding the following sentence at the end of the second paragraph: “It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the municipality.”;

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

“A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the municipality. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders.”

36. Section 573.1.0.2 of the Act is amended by inserting “or under section 573.1.0.4.1” at the end of the second paragraph.

37. Section 573.1.0.4 of the Act is amended by inserting “, under section 573.1.0.4.1” after “573”.

38. The Act is amended by inserting the following section after section 573.1.0.4:

“573.1.0.4.1. In addition to what is permitted under section 573, a municipality may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the municipality uses a system of bid weighting and evaluating referred to in section 573.1.0.1 or 573.1.0.1.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a municipality may require, on pain of rejection of the tender, that all the engineering services related to the contract be provided by suppliers from Canada, Québec or any territory determined by the municipality.

For the purposes of any services contract by which a municipality requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the municipality may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the municipality.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a municipality may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles’ final assembly be included in the subcontracted work.

“Assembly” means the installation and interconnection of any of the following parts and includes the vehicles’ final inspection, road test and final preparation for delivery:

- (1) engine, propulsion control system and auxiliary power;
- (2) transmission;
- (3) axles, suspension or differential;
- (4) brake system;
- (5) ventilation, heating or air conditioning system;
- (6) frames;
- (7) pneumatic or electrical systems;
- (8) door system;
- (9) passenger seats and handrails;
- (10) information and destination indicator system and remote monitoring system; and
- (11) wheelchair access ramp.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

- (1) courier or mail services, including email;
- (2) fax services;
- (3) real estate services;
- (4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;

- (8) architectural landscaping services;
- (9) land use and planning services;
- (10) test, analysis or inspection services for quality control;
- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third, fourth or fifth paragraph involving an expenditure equal to or above \$20,000,000, the municipality must apply the discriminatory measures set out with regard to such a contract. The same applies where the municipality uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.”

39. Section 573.3 of the Act is amended, in subparagraph 2.3 of the first paragraph,

- (1) by replacing subparagraph *g* by the following subparagraph:

“(g) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;”;

- (2) by adding the following subparagraphs at the end:

“(m) purification services; and

“(n) road services;”.

40. The Act is amended by inserting the following section after section 573.3.1:

“573.3.1.0.1. Subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy, authorize a municipality that uses the system of bid weighting and evaluating provided for in section 573.1.0.1 to make a contract related to a public transit infrastructure and allow the municipality, despite sections 573.1.0.1 and 573.1.0.5 to 573.1.0.12,

- (1) to defer the disclosure and evaluation of the price;

(2) to evaluate only the price of the tenders that have obtained the minimum score for the other criteria of the system of bid weighting and evaluating;

(3) for a municipality that has previously established a certification or qualification process for suppliers or contractors, as soon as the public call for tenders is issued, to carry out discussions with those who are certified or qualified in order to clarify the project;

(4) to not require the submission of preliminary tenders before final tenders so as to make way for the discussion process intended to clarify the project;

(5) where all the tenderers have submitted a compliant tender and each of the tenders proposes a price that is higher than the estimate established by the municipality, to negotiate with all the tenderers individually any provision required to bring the parties to enter into a contract while preserving the fundamental elements of the call for tenders and of the tenders; and

(6) to pay, on the conditions the Government establishes, a financial compensation to any certified or qualified supplier or contractor and, if the contract is awarded, that is not the successful tenderer for the contract for which the process was held where that process is established solely to award a single contract.

The Government may establish the conditions under which the Minister of Municipal Affairs, Regions and Land Occupancy may authorize a municipality to pay the financial compensation provided for in subparagraph 6 of the first paragraph. It may also confer on the Minister the power to establish the conditions under which the Minister may authorize a municipality to pay that compensation.

The conditions ordered under the first paragraph may depart from the provisions mentioned by amending them or by providing that one or some of those provisions do not apply and, as the case may be, may replace them by any other provision.”

41. Section 573.3.3.1.1 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of section 573.1.0.4.1, respectively, allow discrimination based on territory.”;

(2) by replacing “threshold, ceiling” in the second paragraph by “thresholds, ceilings”.

MUNICIPAL CODE OF QUÉBEC

42. Article 935 of the Municipal Code of Québec (chapter C-27.1) is amended

(1) by replacing “subparagraph 2.3 of the first paragraph of article 938” in paragraph 2 of subarticle 2.1 by “the eighth paragraph of article 936.0.4.1”;

(2) by replacing subarticle 6 by the following subarticle:

“(6) At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system.”

43. Article 936.0.0.1 of the Code is amended

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

“In the case of a tender submitted electronically, a municipality must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.”;

(2) by adding the following sentence at the end of the second paragraph: “It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the municipality.”;

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

“A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the municipality. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders.”

44. Article 936.0.2 of the Code is amended by inserting “or under article 936.0.4.1” at the end of the second paragraph.

45. Article 936.0.4 of the Code is amended by inserting “or 936.0.4.1” after “935”.

46. The Code is amended by inserting the following article after article 936.0.4:

“936.0.4.1. In addition to what is permitted under article 935, a municipality may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the municipality uses a system of bid weighting and evaluating referred to in article 936.0.1 or 936.0.1.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a municipality may require, on pain of rejection of the tender, that all the engineering services related to the contract be provided by suppliers from Canada, Québec or any territory determined by the municipality.

For the purposes of any services contract by which a municipality requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the municipality may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the municipality.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a municipality may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles’ final assembly be included in the subcontracted work.

“Assembly” means the installation and interconnection of any of the following parts and includes the vehicles’ final inspection, road test and final preparation for delivery:

- (1) engine, propulsion control system and auxiliary power;
- (2) transmission;
- (3) axles, suspension or differential;
- (4) brake system;
- (5) ventilation, heating or air conditioning system;
- (6) frames;
- (7) pneumatic or electrical systems;
- (8) door system;
- (9) passenger seats and handrails;
- (10) information and destination indicator system and remote monitoring system; and
- (11) wheelchair access ramp.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

- (1) courier or mail services, including email;
- (2) fax services;
- (3) real estate services;
- (4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (7) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;

- (8) architectural landscaping services;
- (9) land use and planning services;
- (10) test, analysis or inspection services for quality control;
- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third, fourth or fifth paragraph involving an expenditure equal to or above \$20,000,000, the municipality must apply the discriminatory measures set out with regard to such a contract. The same applies where the municipality uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.”

47. Article 938 of the Code is amended, in subparagraph 2.3 of the first paragraph,

- (1) by replacing subparagraph *g* by the following subparagraph:

“(g) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;”;

- (2) by adding the following subparagraphs at the end:

“(m) purification services; and

“(n) road services;”.

48. The Code is amended by inserting the following article after article 938.1:

“938.1.0.1. Subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy, authorize a municipality that uses the system of bid weighting and evaluating provided for in article 936.0.1 to make a contract related to a public transit infrastructure and allow the municipality, despite articles 936.0.1 and 936.0.5 to 936.0.12,

- (1) to defer the disclosure and evaluation of the price;

(2) to evaluate only the price of the tenders that have obtained the minimum score for the other criteria of the system of bid weighting and evaluating;

(3) for a municipality that has previously established a certification or qualification process for suppliers or contractors, as soon as the public call for tenders is issued, to carry out discussions with those who are certified or qualified in order to clarify the project;

(4) to not require the submission of preliminary tenders before the final tenders to give rise to the discussion process intended to clarify the project;

(5) where all the tenderers have submitted a compliant tender and each of the tenders proposes a price that is higher than the estimate established by the municipality, to negotiate with all the tenderers individually any provision required to bring the parties to enter into a contract while preserving the fundamental elements of the call for tenders and of the tenders; and

(6) to pay, on the conditions the Government establishes, a financial compensation to any certified or qualified supplier or contractor and, if the contract is awarded, that is not the successful tenderer for the contract for which the process was held where that process is established solely to award a single contract.

The Government may establish the conditions under which the Minister of Municipal Affairs, Regions and Land Occupancy may authorize a municipality to pay the financial compensation provided for in subparagraph 6 of the first paragraph. It may also confer on the Minister the power to establish the conditions under which the Minister may authorize a municipality to pay that compensation.

The conditions ordered under the first paragraph may depart from the provisions mentioned by amending them or by providing that one or some of those provisions do not apply and, as the case may be, may replace them by any other provision.”

49. Article 938.3.1.1 of the Code is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of article 936.0.4.1, respectively, allow discrimination based on territory.”;

(2) by replacing “threshold, ceiling” in the second paragraph by “thresholds, ceilings”.

50. Article 1026 of the Code is amended by replacing “where the sittings of the council of the regional county municipality are held” in the second paragraph by “determined by the council of the regional county municipality”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE
MONTREAL

51. Section 108 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended

(1) by replacing subparagraph *g* of subparagraph 2 of the seventh paragraph by the following subparagraph:

“(g) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;”;

(2) by adding the following subparagraphs at the end of subparagraph 2 of the seventh paragraph:

“(m) purification services;

“(n) garbage removal services; and

“(o) road services;”;

(3) by striking out the last sentence of the ninth paragraph;

(4) by inserting the following paragraph after the ninth paragraph:

“At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system.”

52. Section 108.1.1 of the Act is amended

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

“In the case of a tender submitted electronically, the Community must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.”;

(2) by adding the following sentence at the end of the second paragraph: “It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the Community.”;

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

“A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the Community. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders.”

53. Section 110 of the Act is amended by inserting “or under section 112.0.0.0.1” at the end of the second paragraph.

54. Section 112 of the Act is amended by inserting “or 112.0.0.0.1” after “108”.

55. The Act is amended by inserting the following section after section 112:

“112.0.0.0.1. In addition to what is permitted under section 108, the Community may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract or a contract for services mentioned in the fifth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the fifth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the Community uses a system of bid weighting and evaluating referred to in section 109 or section 109.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

For the purposes of any services contract by which the Community requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the Community may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the Community.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

- (1) courier or mail services, including email;
- (2) fax services;
- (3) real estate services;
- (4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;
- (7) architectural or engineering services, except the engineering services related to a single transportation infrastructure design and construction contract;
- (8) architectural landscaping services;
- (9) land use and planning services;
- (10) test, analysis or inspection services for quality control;
- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third paragraph involving an expenditure equal to or above \$20,000,000, the Community must apply the discriminatory measures set out with regard to such a contract. The same applies where the Community uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.”

56. Section 118.1.0.1 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceiling that allows discrimination based on territory under subparagraph 1 of the first paragraph of section 112.0.0.0.1.”;

(2) by replacing “ceiling” in the second paragraph by “ceilings”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

57. Section 101 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended

(1) by replacing subparagraph *g* of subparagraph 2 of the seventh paragraph by the following subparagraph:

“(g) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;”;

(2) by adding the following subparagraphs at the end of subparagraph 2 of the seventh paragraph:

“(m) purification services;

“(n) garbage removal services; and

“(o) road services;”;

(3) by striking out the last sentence of the ninth paragraph;

(4) by inserting the following paragraph after the ninth paragraph:

“At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system.”

58. Section 101.1.1 of the Act is amended

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

“In the case of a tender submitted electronically, the Community must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.”;

(2) by adding the following sentence at the end of the second paragraph: “It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the Community.”;

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

“A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the Community. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders.”

59. Section 103 of the Act is amended by inserting “or under section 105.0.0.0.1” at the end of the second paragraph.

60. Section 105 of the Act is amended by inserting “or section 105.0.0.0.1,” after “101”.

61. The Act is amended by inserting the following section after section 105:

“105.0.0.0.1. In addition to what is permitted under section 101, the Community may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract, a contract for services mentioned in the fifth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the fifth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the Community uses a system of bid weighting and evaluating referred to in section 102 or section 102.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

For the purposes of any services contract by which the Community requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the Community may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the Community.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

- (1) courier or mail services, including email;
- (2) fax services;
- (3) real estate services;
- (4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;
- (7) architectural or engineering services, except the engineering services related to a single transportation infrastructure design and construction contract;
- (8) architectural landscaping services;
- (9) land use and planning services;
- (10) test, analysis or inspection services for quality control;
- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third paragraph involving an expenditure equal to or above \$20,000,000, the Community must apply the discriminatory measures set out with regard to such a contract. The same applies where the Community uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.”

62. Section 111.1.0.1 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceiling that allows discrimination based on territory under subparagraph 1 of the first paragraph of section 105.0.0.0.1.”;

(2) by replacing “ceiling” in the second paragraph by “ceilings”.

MUNICIPAL POWERS ACT

63. Section 90 of the Municipal Powers Act (chapter C-47.1) is amended by inserting “a public market,” after “operation of” in subparagraph 1 of the fourth paragraph.

64. Section 104 of the Act is amended by adding the following paragraph at the end:

“Penal proceedings for an offence under a provision of a by-law adopted under the first paragraph are prescribed one year from the date on which the prosecutor becomes aware of the commission of the offence. However, no proceedings may be instituted if more than five years have elapsed since the date of the commission of the offence.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

65. The Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by inserting the following section after section 79:

“**79.1.** Sections 77 to 79 do not apply to the appointment of the deputy returning officer and the poll clerk for the returning officer’s polling station or for a domiciliary polling station.”

66. Section 81.2 of the Act is amended by replacing the first paragraph by the following paragraph:

“An identity verification panel shall also be established for a poll at the returning officer’s office or for a mobile or domiciliary polling station.”

67. Section 99 of the Act is amended, in the first paragraph,

(1) by inserting “, including the poll at the returning officer’s office, where applicable,” after “advance poll” in subparagraph 4;

(2) by inserting the following subparagraph after subparagraph 4:

“(4.1) information on the procedure for voting at an elector’s domicile, where applicable;”.

68. Section 134.1 of the Act is amended by adding the following sentence at the end of the first paragraph: “The same applies to any person domiciled in the territory of a municipality who is unable to move about for health reasons, if voting at the elector’s domicile is offered.”

69. Section 171 of the Act is amended, in the first paragraph,

(1) by inserting “, including for the poll at the returning officer’s office, where applicable” at the end of subparagraph 5;

(2) by inserting “, including for the poll at the returning officer’s office, where applicable,” after “advance poll” in subparagraph 7.

70. Section 174 of the Act is amended by adding the following sentences at the end of the third paragraph: “The returning officer may also decide to hold a poll at the returning officer’s office or at any other place the returning officer determines for that purpose or that a domiciliary polling station is to receive electors’ votes on one or more of the ninth, eighth, sixth, fifth or fourth days before polling day. However, the returning officer may not decide to hold such a poll or to have such a polling station receive electors’ votes on the sixth day before polling day if the advance poll is held on that day.”

71. The Act is amended by inserting the following section after section 175:

“175.1. Any elector who is unable to move about for health reasons may vote at a domiciliary polling station, determined under section 177, if the elector

(1) applies therefor to the returning officer not later than the last day fixed for making applications to the board of revisors for entry on, striking off or correction to the list of electors, or, if there is no revision of the list under section 277, not later than 12 days before polling day; and

(2) is registered on the list of electors as a domiciled person.

Electors who act as caregivers of an elector having the right to vote at his domicile may vote at that domicile. They must apply therefor to the returning officer within the time prescribed in subparagraph 1 of the first paragraph and be registered on the part of the list of electors corresponding to the polling subdivision in which that domicile is located.

Even if they have not made the application provided for in subparagraph 1 of the first paragraph, electors domiciled at the same place as an elector having the right to vote at his domicile and who act as caregivers of that elector may, if registered on the list of electors, ask the deputy returning officer to vote there.

Despite subparagraph 1 of the first paragraph, when at the domicile of an elector because of an application made under that subparagraph 1, a polling station may go to the room or apartment of an elector who is unable to move about for health reasons, on the elector's request."

72. Section 177 of the Act is amended by inserting "or domiciliary" after "mobile" in the first paragraph.

73. Section 177.1 of the Act is amended

(1) by inserting "or domiciliary" after "mobile";

(2) by adding the following sentence at the end: "If the returning officer decides to hold a poll at the returning officer's office or at any place determined by the returning officer for that purpose, the persons referred to in Division V of Chapter V may not be present at the office."

74. Section 179 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "Every polling station at a returning officer's office or at any other place determined by the returning officer for that purpose must be open from 9:30 a.m. to 8:00 p.m., except on the fourth day before polling day, on which it closes at 2:00 p.m.";

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

"However, a mobile or domiciliary polling station may receive electors' votes during the hours fixed by the returning officer, except as of 2:00 p.m. on the fourth day before polling day."

75. Section 180 of the Act is amended by replacing "in a mobile" in the first paragraph by "at a mobile or domiciliary".

76. The Act is amended by inserting the following section after section 180:

"180.1. An elector who filed an application under subparagraph 1 of the first paragraph of section 175.1 must attest under oath, in the presence of the deputy returning officer of the polling station, to being unable to move about for health reasons."

77. Section 631 of the Act is amended by inserting “or domiciliary” after “mobile” in paragraph 3.

ACT RESPECTING TOURIST ACCOMMODATION ESTABLISHMENTS

78. Section 6.1 of the Act respecting tourist accommodation establishments (chapter E-14.2) is amended by inserting “or to an establishment where accommodation, not including any meals served on the premises, in the principal residence of the natural person operating it is offered, by means of a single reservation, to a person or a single group of related persons at a time” at the end of the third paragraph.

79. Section 11.0.1 of the Act is amended by adding the following paragraph at the end:

“The Minister may also refuse to issue a classification certificate referred to in section 11.3 if the Minister has, in the last three years, cancelled, under the second paragraph of that section, a classification certificate held by the applicant.”

80. The Act is amended by inserting the following section after section 11.2:

11.3. At the request of a municipality, the Minister may, in accordance with the second paragraph, suspend or cancel the classification certificate of an accommodation establishment where accommodation, not including any meals served on the premises, in the principal residence of the operator is offered, by means of a single reservation, to a person or a single group of related persons at a time if, as part of its operation, the holder has committed, in the course of a 12-month period, at least two offences under any municipal by-law as regards nuisances, sanitation or safety, of which the holder has been found guilty.

If the Minister considers the request to be well founded, the Minister shall

- (1) suspend the certificate for a period of two months;
- (2) suspend the certificate for a period of six months if the holder has already been the subject of a suspension under subparagraph 1; or
- (3) cancel the certificate if the holder has already been the subject of a suspension under subparagraph 2.”

81. The Act is amended by inserting the following division after Division II:

“DIVISION II.1

“MUNICIPAL BY-LAWS

“21.1. No provision of a municipal by-law adopted under the Act respecting land use planning and development (chapter A-19.1) may operate to prohibit the operation of an accommodation establishment where accommodation, not including any meals served on the premises, in the principal residence of the natural person operating it is offered, by means of a single reservation, to a person or a single group of related persons at a time.”

ACT RESPECTING MUNICIPAL TAXATION

82. Section 236 of the Act respecting municipal taxation (chapter F-2.1) is amended by inserting “in respect of an establishment other than a principal residence establishment” after “(chapter E-14.2)” in paragraph 13.

83. Section 244.31 of the Act is amended by inserting “or principal residence” after “an outfitting” in the first paragraph.

84. Section 244.64.9 of the Act is amended by striking out the third paragraph.

85. Section 263.2 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: “It must, in such a case, determine in that by-law the modes of payment of that sum, which may include electronic payment.”;

(2) by striking out the third paragraph.

ENVIRONMENT QUALITY ACT

86. Section 2.1 of the Environment Quality Act (chapter Q-2) is repealed.

87. Section 24 of the Act is amended

(1) in the first paragraph,

(a) by striking out “on the quality of the environment” in the introductory clause;

(b) by adding the following subparagraph at the end:

“(6) if the application concerns an activity in a flood zone of a lake or watercourse or a mobility zone of a watercourse, the consequences of the activity for the persons and property located in that zone.”;

(2) by inserting “, on the life, health, safety, welfare or comfort of human beings or on ecosystems, other living species or property” after “environment” in the third paragraph.

88. Section 25 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(10) flood-proofing measures to take into consideration the flood zone of a lake or watercourse and the mobility zone of a watercourse.”

89. Section 26 of the Act is amended, in the first paragraph,

(1) by striking out “for adequate protection of the environment, human health or other living species” in the introductory clause;

(2) by replacing “to protect human health or other living species” in subparagraph 2 by “to ensure the health, safety, welfare or comfort of human beings, protect other living species or prevent adverse effects on property”.

90. Section 31.0.3 of the Act is amended by replacing “human health or safety or other living species” in subparagraph 2 of the second paragraph by “the health, safety, welfare or comfort of human beings, protect other living species or prevent adverse effects on property”.

91. Section 31.9 of the Act is amended by replacing “and heritage property” at the end of subparagraph *b* of the first paragraph by “, heritage property and any other property”.

92. The Act is amended by inserting the following before section 46.0.1:

“§1. — *General provisions*”.

93. Section 46.0.1 of the Act is amended

(1) by inserting “, as well as climate change issues” at the end of the first paragraph;

(2) by replacing “and to foster development of projects with minimal impacts on the receiving environment” in the second paragraph by “, foster development of projects with minimal impacts on the receiving environment and contribute to limiting the number of persons and quantity of property exposed to flooding”.

94. Section 46.0.2 of the Act is amended by replacing subparagraph 2 of the third paragraph by the following subparagraphs:

“(2) the shores, banks and littoral zones of a lake or watercourse, as defined by government regulation;

“(2.1) the flood zones of a lake or watercourse and mobility zones of a watercourse established in accordance with this division and whose boundaries are disseminated by the Government or, where such boundaries have not been established, as defined by government regulation; and”.

95. The Act is amended by inserting the following after section 46.0.2:

“§2.—*Boundaries of flood zones of lakes or other watercourses and mobility zones of watercourses*

“**46.0.2.1.** The Minister shall establish the boundaries of the flood zones of lakes or watercourses. He may also establish the boundaries of the mobility zones of watercourses.

For that purpose, the Minister shall prepare, keep up to date and make public the rules applicable for establishing such boundaries.

The Minister may, when establishing the boundaries of the zones referred to in the first paragraph, require a municipality to send him all information concerning the determination of the flood zones of lakes and watercourses that it used for land use planning in its territory.

The Minister shall publish a notice in the *Gazette officielle du Québec*, after consulting with the Minister of Natural Resources and Wildlife, specifying that the boundaries of the flood zones of lakes and watercourses and mobility zones of watercourses have been established and are disseminated by a technological means specified in the notice. The boundaries take effect on the date the notice is published.

“**46.0.2.2.** The Minister may, by agreement, delegate responsibility to a municipality for establishing the boundaries of the flood zones of lakes and watercourses and mobility zones of watercourses in its territory. In such a case, the municipality is required to comply with the rules prepared by the Minister under the second paragraph of section 46.0.2.1.

The municipality must submit the boundaries it proposes to the Minister for approval. To evaluate the municipality’s proposal, the Minister shall analyze the methodology used and may request any document he considers necessary to do so.

The Minister may require the municipality to make the modifications the Minister considers appropriate to comply with the rules prepared under the second paragraph of section 46.0.2.1 within the time he specifies or make the modifications himself.

The fourth paragraph of section 46.0.2.1 applies to any establishment of boundaries by a municipality.

“46.0.2.3. The boundaries of the zones referred to in this subdivision shall be reviewed regularly, particularly in light of the evolution of the knowledge, methods and tools available, the natural and human-caused changes and climate change issues.

Sections 46.0.2.1 and 46.0.2.2 apply, with the necessary modifications, to any modification of the boundaries of the zones.

“§3.—*Authorization regime*”.

96. Section 46.0.4 of the Act is amended by replacing “or in a land use planning and development plan, as applicable” in paragraph 4 by “, in a land use planning and development plan, in any interim control measure or in a by-law adopted by a regional county municipality under the Act respecting land use planning and development (chapter A-19.1)”.

97. Section 46.0.12 of the Act is renumbered 46.0.21 and is amended by adding the following paragraphs at the end:

“(8) classify the flood zones of lakes and watercourses as well as the mobility zones of watercourses;

“(9) establish a buffer zone around any flood protection works and regulate any existing rights and applicable indemnities in that zone;

“(10) prohibit or limit the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water, on flood protection works and in buffer zones established in accordance with paragraph 9;

“(11) in the cases and under the conditions specified, make subject to the issue of a permit by the municipality concerned the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water as well as in a buffer zone established in accordance with paragraph 9;

“(12) establish the standards applicable to the doing of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water and in buffer zones established in accordance with paragraph 9, in order to ensure adequate protection of the safety, welfare or comfort of human beings or to prevent adverse effects on property;

“(13) provide that regional county municipalities may prepare flood risk management plans as well as the criteria and terms applicable to such a plan;

“(14) prescribe the criteria that a regulation made under section 79.1 of the Act respecting land use planning and development (chapter A-19.1) must meet to be approved by the Minister of Municipal Affairs, Regions and Land Occupancy under section 79.17 of that Act;

“(15) establish the standards applicable to flood protection works, in particular with regard to design, maintenance and monitoring;

“(16) prescribe the reports, studies and other documents, in the cases and under the conditions specified, that must be produced by a municipality that is responsible, under an order made under section 46.0.13, for flood protection works;

“(17) determine the information and documents that a person must send to the Minister to allow the preparation, verification and modification of the boundaries of a flood zone of a lake or watercourse and a mobility zone of a watercourse;

“(18) determine the information and documents to be sent to the Minister or to a municipality to ensure monitoring of the authorizations issued within a flood zone of a lake or watercourse or a mobility zone of a watercourse as well as within a buffer zone established in accordance with paragraph 9; and

“(19) determine which information and documents sent to the Minister are public and must be made available to the public.”

98. The Act is amended by inserting the following after section 46.0.12:

“§4. — *Flood protection works*

“**46.0.13.** The Government may, by order, on the conditions it determines, declare that a municipality is responsible for flood protection works that the Government identifies.

The municipality’s responsibility takes effect on the date set in the order.

“**46.0.14.** If the Government terminates the declaration made under section 46.0.13, in particular at the request of the municipality or to ensure the safety of persons or property, the municipality’s responsibility ends on the date set by the Government. Before that date, the Minister must update the boundaries of the zones referred to in subdivision 2 and publish the notice provided for in section 46.0.2.1.

“**46.0.15.** A municipality that is responsible for flood protection works under the order provided for in section 46.0.13 or a person it designates may, for the exercise of its obligations, in particular,

(1) enter and circulate on private land or the waters in the domain of the State, including with machinery; and

(2) temporarily occupy private land or the waters in the domain of the State.

Those powers must be exercised reasonably and are subject to restoring the premises to their former state and compensating the owner or custodian of the land, as the case may be, for any damage. However, if the damage sustained by the owner or custodian concerns an activity, structure or intervention that is prohibited under a regulation made in accordance with section 46.0.21, it need not be compensated for.

“46.0.16. Any works covered by an order made under section 46.0.13 that is present, in whole or in part, on the waters in the domain of the State is considered as having obtained the rights to occupy the waters in the domain of the State required under the Watercourses Act (chapter R-13).

“46.0.17. At least 15 days before undertaking work relating to flood protection works or accessing the works, the municipality must notify, in writing, any land owners concerned by the work to be carried out and inform them of the rights the municipality has with respect to the flood protection works. The municipality must also inform the land owners of the nature and expected duration of the work, where applicable.

Despite the first paragraph, the municipality may undertake work relating to flood protection works without first notifying the land owners concerned by the work to be carried out in urgent circumstances or in order to prevent serious or irreparable harm or damage to human beings, ecosystems, other living species, the environment or property.

“46.0.18. A municipality must apply for the registration in the land register of a notice indicating the location of a flood protection works and of its buffer zone with respect to the immovables located in its territory. The application shall be made by means of a notice whose content is determined by government regulation.

A municipality must apply for the cancellation of the registration made under the first paragraph if it is no longer responsible for a flood protection works following an order made under section 46.0.13.

“46.0.19. With regard to a person or a municipality, the Minister may make any order the Minister considers necessary with regard to flood protection works, in particular to ensure the safety of persons and property.

The Minister may also order a municipality to carry out any test, survey, expert evaluation or verification the Minister specifies concerning flood protection works for which the municipality is responsible. The Minister may, for the same purposes, order a municipality to install, within the time the Minister sets, any device or apparatus he determines or require that the municipality provide the Minister, in the form and within the time he determines, with a report on any aspect of the design or operation of the works, accompanied by, where applicable, the relevant information and documents.

“46.0.20. The Minister keeps a register of flood protection works that are subject to an order made under section 46.0.13 and, if applicable, section 46.0.14.

A government regulation must prescribe the information to be entered in the register, the person who must provide the information and the time limit for doing so.

Section 118.5.3 applies to the register.

“§5. —Regulatory power”.

99. Section 118.3.3 of the Act is amended by adding the following paragraphs at the end:

“The first paragraph does not apply to the provisions of a regulation made under this Act that prescribes that such a regulation or certain of its sections are to be applied by all municipalities, by a certain category of municipalities or by one or more municipalities if the municipal by-law concerns the implementation of the provisions of a regulation made under this Act.

For the purposes of the first paragraph, the approval of the Minister of Municipal Affairs, Regions and Land Occupancy referred to in section 79.17 of the Act respecting land use planning and development (chapter A-19.1) is equivalent to the approval of the Minister.”

ACT RESPECTING THE ADMINISTRATIVE HOUSING TRIBUNAL

100. The Act respecting the Administrative Housing Tribunal (chapter R-8.1), as amended by chapter 28 of the statutes of 2019, is again amended by inserting the following section after section 57:

“57.0.1. Two or more lessees of the same private seniors’ residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2) may make a joint application to the Tribunal where the sole purpose of the application is

(1) to obtain a rent reduction based on the lessor’s failure to provide one or more of the same domestic help, personal assistance, recreation, meal, security, ambulatory care or nursing care services included in their respective leases; or

(2) for a declaration of the nullity, in the interest of public order, of clauses stipulated in their respective leases whose effect is substantially the same.

All lessees who are parties to the application must sign it.

Any lessee who acts as the mandatary of another must be designated in the application.”

101. Section 72 of the Act is amended by inserting the following paragraph after the second paragraph:

“A natural person may also be represented by another person who is a party to the same joint application referred to in section 57.0.1.”

102. Section 74 of the Act is amended by adding the following paragraph at the end:

“The designation referred to in the third paragraph of section 57.0.1 stands in lieu of such a mandate.”

DAM SAFETY ACT

103. Section 2 of the Dam Safety Act (chapter S-3.1.01) is amended by replacing the first paragraph by the following paragraphs:

“For the purposes of this Act, “dam” means any works 1 metre or more in height, constructed across a watercourse or at the outlet of a lake and resulting in the creation of a reservoir.

Any other works intended to impound all or part of the water stored in such a reservoir shall be considered to be a dam.”

ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

104. Section 3 of the Act respecting the Société d’habitation du Québec (chapter S-8) is amended by inserting “or modest-rental” after “low-rental” in subparagraph 3 of the first paragraph.

105. Section 3.1 of the Act is amended by replacing “low rental” in the fourth paragraph by “low-rental or modest-rental”.

106. Section 3.2 of the Act is amended by striking out “for housing studies and research and for experimental projects pertaining to housing” in paragraph 2.

107. Section 56.4 of the Act is amended by replacing “low or moderate income” by “low, moderate or modest income”.

108. Section 57 of the Act is amended

(1) in the first paragraph of subsection 1,

(a) by striking out “or a regional county municipality that has affirmed its jurisdiction with respect to the management of social housing”;

(b) by replacing “or moderate income” by “, moderate or modest income or having special housing needs”;

(2) in subsection 3.1,

(a) by replacing “that receives financial assistance granted for the purposes of the operation and maintenance of residential immovables” in subparagraph *f* by “referred to in section 85.1”;

(b) by adding the following subparagraph at the end:

“(g) with the authorization of the Société, acquire, construct and renovate residential immovables under projects aimed at creating affordable housing.”

109. Section 86 of the Act is amended

(1) in the first paragraph,

(a) by inserting the following subparagraph after subparagraph *g*:

“(g.1) establish the categories, conditions or criteria for allocating modest rental housing dwellings and the conditions upon which leases for such dwellings may be taken or granted;”;

(b) by replacing ““low rental housing”” in paragraph *k* by ““person or family of modest income”, “low rental housing”, “modest rental housing””;

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

“A by-law relating to the matter referred to in subparagraph *g.1* of the first paragraph may prescribe the rules to which the owner of a residential immovable and the lessees of such buildings will be subject, despite any provision of a program, an operating agreement or any other document.”;

(3) by inserting “, *g.1*” after “*g*” in the second paragraph.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

110. Section 95 of the Act respecting public transit authorities (chapter S-30.01) is amended

(1) by replacing subparagraph *g* of subparagraph 2 of the seventh paragraph by the following subparagraph:

“(g) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;”;

(2) by adding the following subparagraphs at the end of subparagraph 2 of the seventh paragraph:

“(m) purification services;

“(n) garbage removal services; and

“(o) road services;”;

(3) by striking out the last sentence of the ninth paragraph;

(4) by inserting the following paragraph after the ninth paragraph:

“At the opening of the tenders, the following must be disclosed aloud:

(1) the names of the tenderers, including, if applicable, the names of those having electronically submitted a tender whose integrity has not been ascertained, subject to a later verification; and

(2) the total price of each tender, subject to that verification.

However, if the integrity of at least one tender submitted electronically could not be ascertained at the opening of the tenders, the above disclosure must instead be made within the following four working days, by publishing the result of the opening of the tenders in the electronic tendering system.”

III. Section 95.1.1 of the Act is amended

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

“In the case of a tender submitted electronically, a transit authority must, at the opening of the tenders, ascertain the integrity of the tender using the electronic tendering system.”;

(2) by adding the following sentence at the end of the second paragraph: “It must also mention in the calls for tenders or the documents that any tender submitted electronically whose integrity is not ascertained at the opening of tenders is rejected if that irregularity is not remedied within two working days after the notice of default sent by the transit authority.”;

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

“A tender submitted electronically within the time set in the third paragraph to remedy the default regarding the integrity of a previously submitted tender is substituted for the latter on its integrity being ascertained by the transit authority. That tender is then deemed to have been submitted before the closing date and time set for receiving tenders.”

II2. Section 97 of the Act is amended by inserting “or under section 99.0.0.1” at the end of the second paragraph.

II3. Section 99 of the Act is amended by inserting “, section 99.0.0.1” after “95”.

114. The Act is amended by inserting the following section after section 99:

“99.0.0.1. In addition to what is permitted under section 95, a transit authority may, in a public call for tenders or in a document to which it refers, discriminate in any or a combination of the following ways:

(1) for the purposes of a construction contract, a supply contract, a contract for services mentioned in the eighth paragraph involving an expenditure below the ceiling ordered by the Minister in respect of each class of contract, or a contract for any other service than those mentioned in the eighth paragraph, by requiring, on pain of rejection of the tender, that all or part of the goods or services be Canadian goods or services or that all or part of the suppliers or contractors have an establishment in Canada; and

(2) for the purposes of any of the contracts mentioned in subparagraph 1, where the transit authority uses a system of bid weighting and evaluating referred to in section 96 or section 96.1, by considering, as a qualitative evaluation criterion, the Canadian origin of part of the goods, services, suppliers, insurers or contractors.

The maximum number of points that may be assigned to the evaluation criterion in subparagraph 2 of the first paragraph may not be greater than 10% of the total number of points for all the criteria.

In addition and despite the preceding paragraphs, for the purposes of any single contract providing for the design and construction of a transportation infrastructure, a transit authority may require, on pain of rejection of the tender, that all the engineering services related to the contract be provided by suppliers from Canada, Québec or any territory determined by the transit authority.

For the purposes of any services contract by which a transit authority requires that a contractor or supplier operate all or part of a public property for the purpose of providing a service to the public, the transit authority may require, on pain of rejection of the tender, that the services be provided by a contractor or supplier from Canada, Québec or any territory determined by the transit authority.

For the purposes of any contract for the acquisition of mass transit vehicles involving an expenditure equal to or above the threshold ordered by the Minister, a transit authority may require that the other contracting party contract up to 25% of the total contract value in Canada and that the vehicles' final assembly be included in the subcontracted work.

“Assembly” means the installation and interconnection of any of the following parts and includes the vehicles' final inspection, road test and final preparation for delivery:

- (1) engine, propulsion control system and auxiliary power;
- (2) transmission;

- (3) axles, suspension or differential;
- (4) brake system;
- (5) ventilation, heating or air conditioning system;
- (6) frames;
- (7) pneumatic or electrical systems;
- (8) door system;
- (9) passenger seats and handrails;
- (10) information and destination indicator system and remote monitoring system; and
- (11) wheelchair access ramp.

For the purposes of the first paragraph, goods are deemed to be Canadian goods if assembled in Canada, even if some of their parts do not come from Canada.

The services referred to in subparagraph 1 of the first paragraph are the following services:

- (1) courier or mail services, including email;
- (2) fax services;
- (3) real estate services;
- (4) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;
- (5) maintenance or repair services for office equipment;
- (6) management consulting services, except arbitration, mediation or conciliation services with regard to human resources management;
- (7) architectural or engineering services, except the engineering services related to a single transportation infrastructure design and construction contract;
- (8) architectural landscaping services;
- (9) land use and planning services;
- (10) test, analysis or inspection services for quality control;

- (11) exterior and interior building cleaning services;
- (12) machinery or equipment repair services;
- (13) purification services;
- (14) garbage removal services; and
- (15) road services.

Despite the preceding paragraphs, in the case of the contracting process for a contract referred to in the third, fourth or fifth paragraph involving an expenditure equal to or above \$20,000,000, the transit authority must apply the discriminatory measures set out with regard to such a contract. The same applies where the transit authority uses a qualitative criterion referred to in subparagraph 2 of the first paragraph with regard to a contract referred to in subparagraph 1 of that paragraph and involving such an expenditure.”

115. The Act is amended by inserting the following section after section 103:

“103.0.1. Subject to compliance with intergovernmental agreements on the opening of public procurement, the Government may, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy, authorize a transit authority that uses the system of bid weighting and evaluating provided for in section 96 to make a contract related to a public transit infrastructure and allow the transit authority, despite sections 96 and 99.0.1 to 99.0.8,

- (1) to defer the disclosure and evaluation of the price;
- (2) to evaluate only the price of the tenders that have obtained the minimum score for the other criteria of the system of bid weighting and evaluating;
- (3) for a transit authority that has previously established a certification and qualification process for suppliers or contractors, as soon as the public call for tenders is issued, to carry out discussions with those who are certified or qualified in order to clarify the project;
- (4) to not require the submission of preliminary tenders before final tenders so as to make way for the discussion process intended to clarify the project;
- (5) where all the tenderers have submitted a compliant tender and each of the tenders proposes a price that is higher than the estimate established by the authority, to negotiate with all the tenderers individually any provision required to bring the parties to enter into a contract while preserving the fundamental elements of the call for tenders and of the tenders; and

(6) to pay, on the conditions the Government establishes, a financial compensation to any certified or qualified supplier or contractor and, if the contract is awarded, that is not the successful tenderer for the contract for which the process was held where that process is established solely to award a single contract.

The Government may establish the conditions under which the Minister of Municipal Affairs, Regions and Land Occupancy may authorize a transit authority to pay the financial compensation provided for in subparagraph 6 of the first paragraph. It may also confer on the Minister the power to establish the conditions under which the Minister may authorize a transit authority to pay that compensation.

The conditions ordered under the first paragraph may depart from the provisions mentioned by amending them or by providing that one or some of those provisions do not apply and, as the case may be, may replace them by any other provision.”

116. Section 108.1.0.1 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(4) the expenditure ceilings and threshold that, under subparagraph 1 of the first paragraph and the fifth paragraph of section 99.0.0.1, respectively, allow discrimination based on territory.”;

(2) by replacing “threshold, ceiling” in the second paragraph by “thresholds, ceilings”.

**ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS
CONCERNING MUNICIPAL AFFAIRS**

117. Section 253 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 68), amended by section 46 of chapter 68 of the statutes of 2002, is again amended by replacing “Chapter II.1 of Title I” in the first paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

**REGULATION ORDERING THE EXPENDITURE THRESHOLD FOR A
CONTRACT THAT MAY BE AWARDED ONLY AFTER A PUBLIC
CALL FOR TENDERS, THE MINIMUM TIME FOR THE RECEIPT OF
TENDERS AND THE EXPENDITURE CEILING ALLOWING THE
TERRITORY FROM WHICH TENDERS ORIGINATE TO BE LIMITED**

118. Section 2 of the Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited (chapter C-19, r. 5) is amended, in paragraph 3,

(1) by replacing subparagraph *g* by the following subparagraph:

“(g) architectural or engineering services, except engineering services related to a single transportation infrastructure design and construction contract;”;

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

“(m) purification services;

“(n) garbage removal services; and

“(o) road services;”.

OTHER AMENDING PROVISIONS

119. Section 51 of Order in Council 841-2001 (2001, G.O. 2, 3660), concerning Ville de Saguenay, amended by section 47 of chapter 68 of the statutes of 2002, is again amended by replacing “Chapter II.1 of Title I” in the second paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

120. Section 48 of Order in Council 850-2001 (2001, G.O. 2, 3695), concerning Ville de Sherbrooke, amended by section 48 of chapter 68 of the statutes of 2002, is again amended by replacing “Chapter II.1 of Title I” in the second paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

121. Section 25 of Order in Council 851-2001 (2001, G.O. 2, 3726), concerning Ville de Trois-Rivières, amended by section 49 of chapter 68 of the statutes of 2002, is again amended by replacing “Chapter II.1 of Title I” in the first paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

122. Section 12 of Order in Council 1478-2001 (2001, G.O. 2, 6960), concerning Ville de Rouyn-Noranda, amended by section 51 of chapter 68 of the statutes of 2002, is again amended by replacing “Chapter II.1 of Title I” in the first paragraph by “the provisions of Chapter II.1 of Title I that concern by-laws other than the by-law provided for in section 79.1”.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

123. Every by-law adopted in accordance with the provisions of Division I of Chapter II.1 of Title I of the Act respecting land use planning and development (chapter A-19.1), as they read on (*insert the date preceding the date of assent to this Act*), remains in force until replaced or repealed.

The provisions of Division I of Chapter II.1 of Title I of the Act respecting land use planning and development, as they read on (*insert the date preceding the date of assent to this Act*), continue to apply to a procedure to adopt or amend a by-law that is subject to them on that date.

124. Every local municipality that has a planning program must, not later than (*insert the date that is three years after the date of assent to this Act*), make any required modification to that plan to incorporate into it the identification of any part of the municipal territory that is sparsely vegetated, very impervious or subject to the urban heat island phenomenon, and the description of any measure to mitigate the harmful or undesirable effects of those characteristics, provided for in paragraph 4 of section 83 of the Act respecting land use planning and development, as enacted by section 8.

125. Section 233.1.1 of the Act respecting land use planning and development, as enacted by section 24, and the third paragraph of section 104 of the Municipal Powers Act (chapter C-47.1), as enacted by section 64, do not apply to offences committed before (*insert the date of assent to this Act*).

126. For a period of three years from (*insert the date that is three months after the date of assent to this Act*), the contract management by-law of every municipality, metropolitan community and public transit authority must contain measures that, for the purposes of the making of any contract involving an expenditure below the expenditure threshold for a contract that may be awarded only after a public call for tenders, promote Québec goods and services as well as suppliers, insurers and contractors having an establishment in Québec.

For the purposes of this section, goods are deemed to be Québec goods if assembled in Québec, even if some of their parts do not come from Québec.

127. The ninth paragraphs of section 573.1.0.4.1 of the Cities and Towns Act (chapter C-19), article 936.0.4.1 of the Municipal Code of Québec (chapter C-27.1) and section 99.0.0.1 of the Act respecting public transit authorities (chapter S-30.01), as enacted by sections 38, 46 and 114, respectively, of this Act, and the sixth paragraphs of sections 112.0.0.0.1 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) and 105.0.0.0.1 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), as enacted by sections 55 and 61, respectively, of this Act, do not apply with regard to a contracting process that began before (*insert the date following the date of assent to this Act*).

128. A local municipality may, by a by-law requiring only the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, borrow to finance expenses attributable to the COVID-19 pandemic and incurred during the fiscal year 2021 by the local municipality or by a body in respect of which it must pay an aliquot share or a contribution and that is governed by an Act under the exclusive administration of the Minister.

A local municipality may, in the same manner, borrow to compensate for a decrease in its revenues, or those of such a body, that is attributable to the pandemic. Such a decrease in revenues must be provided for in its budget for the fiscal year 2021 and observed during that fiscal year.

129. A local municipality may, by a by-law requiring no approval, authorize the borrowing of moneys available in its general fund or its working fund to finance expenses attributable to the COVID-19 pandemic and incurred during the fiscal year 2020 or 2021 or to compensate for a decrease in its revenues attributable to the pandemic and observed during those fiscal years.

A by-law referred to in the first paragraph must indicate the amount of the loan and the source of the moneys borrowed, and must provide for its repayment, over a maximum term of ten years, by means of a special tax imposed on all the taxable immovables in the territory of the municipality or by means of an appropriation out of the general revenues of the municipality.

130. Any local municipality may adopt an assistance plan for enterprises in its territory. A municipality that adopts an assistance plan must send a copy, for information, to the regional county municipality whose territory includes that of the municipality.

A municipality implements an assistance plan by adopting, by by-law, an enterprise assistance program, under which it may grant financial assistance, in particular in the form of a subsidy, loan or tax credit, to any person that operates a private-sector enterprise and that is the owner or occupant of an immovable other than a residence, excluding a private seniors' residence referred to in section 346.0.1 of the Act respecting health services and social services (chapter S-4.2).

The assistance granted under the program

- (1) is not subject to the Municipal Aid Prohibition Act (chapter I-15); and
- (2) is subject to the third and fourth paragraphs of section 92.1 of the Municipal Powers Act.

The eligibility period for the program may not exceed (*insert the date that is three years after the date of assent to this Act*).

The total financial assistance granted annually under the program may not exceed \$500,000 or 1% of the total appropriations provided for in the municipality's operating budget for the current fiscal year, if the latter amount is higher.

Financial assistance granted to the same beneficiary under the program may not exceed \$150,000 and may not be granted for a period exceeding three years.

The municipality may, by by-law, grant financial assistance in excess of the amounts provided for in the fifth and sixth paragraphs. The by-law must be approved by the Minister of Municipal Affairs, Regions and Land Occupancy, after consulting the Minister of Economy and Innovation.

Each year, a report on the financial assistance granted under the program is submitted to the council of the municipality. The report is then published on its website or, if it does not have a website, on the website of the regional county municipality whose territory includes that of the municipality.

131. Despite the Municipal Aid Prohibition Act, a regional county municipality may establish an investment fund intended to provide financial support to enterprises whose income has declined due to the COVID-19 pandemic.

The resolution of the council of the regional county municipality establishing the investment fund must

(1) set the amount invested in the fund by the regional county municipality, which may not exceed \$1,000,000, except with the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy;

(2) indicate that the regional county municipality itself is responsible for administering the fund or that it entrusts the administration of the fund to a non-profit body established for that purpose; and

(3) prescribe the eligibility period for financial assistance granted under the fund, which may not exceed (*insert the date that is three years after the date of assent to this Act*).

The regional county municipality may entrust to a committee it establishes for that purpose, composed of representatives of the business community and any other civil society stakeholder considered relevant, the selection of beneficiaries of financial assistance that may be granted in accordance with the rules it determines. The regional county municipality establishes the committee's mode of operation.

A local municipality may not exercise the right of withdrawal provided for in the third paragraph of section 188 of the Act respecting land use planning and development in respect of deliberations regarding a contribution to the fund constituted under this section.

Each year, a report on the assistance granted under the fund is submitted to the council of the regional county municipality and published on its website.

132. For the purposes of the 7 November 2021 municipal general election, the Minister of Municipal Affairs, Regions and Land Occupancy may, by regulation,

(1) allow any person who is entered on the list of electors as a person domiciled in a private seniors' residence listed in the register established under the Act respecting health services and social services or in a facility referred to in the second paragraph of section 50 of the Act respecting elections and referendums in municipalities (chapter E-2.2) and any elector whose self-isolation is ordered or recommended by public health authorities due to the COVID-19 pandemic to exercise their right to vote by mail; and

(2) establish the terms and conditions for voting by mail by electors referred to in paragraph 1 and for those entered on the list of electors in a capacity other than that of a domiciled person.

133. Any vacancy in the office of councillor, for a municipality, or in the office of warden, for a regional county municipality, that occurs more than 12 months before the day set for the 2021 general election does not have to be filled by a by-election, unless the council decides otherwise within 15 days after (*insert the date of assent to this Act*), if the vacancy occurs before that date, or within 15 days after notice of the vacancy, if the vacancy occurs after (*insert the date preceding the date of assent to this Act*).

Where a vacancy occurs in the office of warden and the council has not decided that it must be filled by a by-election, the vacancy must nevertheless be filled in the manner set out in section 336 of the Act respecting elections and referendums in municipalities, with the necessary modifications.

The first paragraph does not apply if the vacancy entails a loss of quorum on the council of the municipality.

134. Despite section 71 of the Act respecting municipal taxation (chapter F-2.1) and, if applicable, with the consent of the municipality concerned, the municipal body responsible for assessment may defer to 1 December 2020 at the latest the deposit of the roll that is to come into force before 1 January 2021.

To prevail itself of the first paragraph, the body must pass, not later than 31 October 2020, a resolution that sets the deadline for the deposit of the roll and transmit a certified copy of the resolution to the Minister of Municipal Affairs, Regions and Land Occupancy.

Section 72 of that Act applies, with the necessary modifications, in respect of a roll not deposited in accordance with this section.

135. A rule imposed by the Government, a minister or a municipality to protect the health of the population during the COVID-19 pandemic, that has the effect of restricting all or part of an enterprise's activities, is not a legal restriction within the meaning of paragraph 19 of section 174 of the Act respecting municipal taxation.

This section has effect from 13 March 2020.

136. The third paragraph of section 263.2 of the Act respecting municipal taxation, as it read on (*insert the date preceding the date of assent to this Act*), continues to apply until the municipal body responsible for assessment determines the payment methods by a by-law made under section 263.29 of that Act, as amended by section 85.

137. The Government may, by a regulation made not later than (*insert the date that is 12 months after the date of assent to this Act*), enact any transitional measure necessary to implement any amendment made by this Act to the Act respecting land use planning and development only as regards flood risk management, the Act to affirm the collective nature of water resources and to promote better governance of waters and associated environments (chapter C-6.2) and the Environment Quality Act (chapter Q-2).

A regulation made under the first paragraph may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 10 days. Such a regulation may, if it so provides, apply from any date not prior to (*insert the date of assent to this Act*).

138. This Act comes into force on (*insert the date of assent to this Act*), except

(1) section 25, which comes into force on the date of coming into force of the first regulation made under section 226.1 of the Act respecting land use planning and development, replaced by section 21;

(2) sections 86 and 94, which come into force on the date of coming into force of the first regulation made under paragraphs 10 and 11 of section 46.0.21 of the Environment Quality Act, as amended by section 97.

